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THE EUROPEAN CONCERT

IN THE

EASTERN QUESTION

T. E. HOLLAND

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THE

EUROPEAN CONCERT

IN THE

EASTERN QUESTION

A COLLECTION OF

TREATIES AND OTHER PUBLIC ACTS

EDITED

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WITH INTRODUCTIONS AND NOTES

BY

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PREFACE.

THE action of the Great Powers in the Eastern Question deserves, I think, to be studied as a whole, and to be studied textually in the documents which are its official record.

But these documents are not generally accessible, nor are they intelligible without some elucidatory comment. They are scattered through voluminous collections, to be found only in a few great libraries; and in order to ascertain whether a given Treaty is still in force, how far its provisions have been carried into effect, or in what relation it stands to earlier or later Conventions, recourse must be had to sources of information other than the Treaty itself.

I have therefore brought together, from various quarters, those European Acts which determine the character of the Eastern Question at the present day, arranging them according to their subject, and supplying them with such explanatory matter as seemed desirable.

The plan of the work will, I hope, be sufficiently apparent. Each chapter, after the first, relates to

a specific portion of the Ottoman empire, which has been, with the concurrence of the Great Powers, wholly or partially emancipated from its sway, and consists of an Introduction, followed by a series of Texts. The Introduction is a slight sketch, embodying some mention, or even a citation in full, of such relevant diplomatic acts as, though historically interesting, are not now legally operative. The series of Texts is intended to contain the documents which may be regarded as the title-deeds, or Constitutional Charters, of the States, or partially emancipated provinces, in question. These documents are fully annotated, and such portions of them as are no longer in force are distinguished by italic type.

The Appendix contains some public Acts which, though not of European authority, are important for the better understanding of the body of the work.

I have printed, as a rule, from the English Parliamentary Papers; but sometimes from the 'Recueil des principaux traités,' &c. of G. F. de Martens and his continuators, Ch. de Martens, F. Saalfeld, F. Murhard, Ch. Samwer, and J. Hopf. The 'Recueil,' 'Nouveau Recueil,' 'Nouveau Recueil Général,' and 'Nouveau Recueil Général, deuxième Série,' are respectively referred to in the notes by the abbreviations; R., N.R., N.R.G., and N.R.G. 2me Série.

T. E. H.

OXFORD:
30 *April*, 1885.

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CHAPTER I.

THE GREAT POWERS AND THE OTTOMAN EMPIRE.

It is now more than half a century since the condition of the Ottoman Empire was recognised as of concern not merely to its immediate neighbours, Austria and Russia, but also to Europe generally.

At the Congress of Vienna the Eastern question was ignored, and with good reason. The allies were sufficiently occupied in restoring the balance of power in Western Europe, and were by no means anxious to encourage any movement on the part of discontented nationalities. The Emperor Alexander was perhaps additionally averse to any discussion which might interfere with the long cherished designs of Russia upon Constantinople. A similar policy guided the subsequent congresses of the Holy Alliance. Disturbances in Greece or Wallachia found as little favour as insurrections in Spain or at Naples. When Ypsilanti appealed to Alexander at Laibach, the Emperor replied that the aspirations of the Greeks, though natural, could never be realised by revolt and warfare[1].

[1] 'Sans doute il est dans l'homme de désirer l'amélioration de son sort, sans doute plus d'une circonstance inspire aux Grecs le vœu de ne pas toujours

But the policy of the Holy Alliance fell into discredit, and the Western Powers had leisure during the long peace both to extend their sympathy to the subject races of the Ottoman Empire, and to watch with jealousy the encroachments made upon that Empire by Russia.

The result of this sympathy and of this jealousy is seen in a remarkable series of treaties, forming together a sort of *corpus iuris publici orientalis*, in which the rights of Turkey, of the new states which have been carved out of it, and of the semi-independent provinces which still remain subject to its suzerainty, are declared and defined by the authority of the great powers collectively. On the one hand, the Turkish Empire is placed, as it were, under the tutelage of Europe; while, on the other hand, the claim of any single power to settle the destinies of that empire without the concurrence of the rest has been repeatedly negatived.

The assumption of a collective authority on the part of the powers to supervise the solution of the Eastern question—in other words, to regulate the disintegration of Turkey—has been gradual. Such an authority has been exercised tentatively since 1826, systematically since 1856. It has been applied successively to Greece, to Egypt, to Syria, to the Danubian principalities and the Balkan peninsula generally, to certain other of the European provinces of Turkey, to the Asiatic boundaries of Turkey and Russia, and to the treatment of the Armenians.

The present work will contain the text in full of those treaties and other diplomatic acts which are the title-deeds of the states which have thus been wholly or partially freed by the European concert from the sovereignty of the Porte. Each of these documents will be elucidated by notes, and will, so far as is conveniently possible, be so printed as to render

rester étrangers à leurs propres destinées; mais est-ce par la révolte et la guerre civile qu'ils peuvent se flatter atteindre ce but éminent?... L'Empereur ne le pense pas.' Capodistrias to Ypsilanti, 26th March 1821, Prokesch-Osten, Geschichte des Abfalls, etc., t. iv. p. 66.

readily distinguishable clauses which are still operative from clauses which have been abrogated, or are otherwise no longer in force.

To each group of documents thus textually set out will be prefixed a brief historical introduction, in which such relevant diplomatic acts as are no longer operative will be either cited in full, or summarised, as their importance may seem to demand.

CHAPTER II.

GREECE.

1826—1881.

The Greeks and the Holy Alliance.

THE struggle for independence, commenced by the Greeks in 1821, was naturally distasteful to the Holy Alliance[1]. Count Nesselrode, in 1823, proposed 'in order to paralyse the influence of the revolutionary party throughout Greece,' to divide the country into three distinct governments, with local independence under the suzerainty of the Porte[2]; and conferences of the representatives of Russia, Prussia, Austria, and France were held at St. Petersburg in 1824 and 1825 with a view to inducing the Sultan and the insurgents to agree to some such solution of the question. But such a solution pleased neither party, and the Greeks appealed for help to England[3]. The Emperor Alexander died on 1st December, 1825, and with him died the Holy Alliance. Canning now saw his way to a new policy, and sent the Duke of Wellington to be its exponent at

[1] See the declaration addressed by the Greeks to the monarchs assembled at Verona, 28th August, 1822, and published in the following year, Martens, Nouveau Recueil, t. vi. p. 233.

[2] See the Russian memoir of 1824, British and Foreign State Papers, vol. xi. p. 826.

[3] See manifesto of 2nd August, 1825, Martens, N. R., t. vi. p. 781.

St. Petersburg, where, on 4th April, 1826, the following important Protocol was signed by the representatives of Great Britain and Russia[1]:— The Protocol of 1826.

His Britannic Majesty having been requested by the Greeks to interpose his good offices in order to obtain their reconciliation with the Ottoman Porte, having, in consequence, offered his mediation to that Power, and being desirous of concerting the measures of his Government upon this subject with His Majesty the Emperor of all the Russias; and His Imperial Majesty, on the other hand, being equally animated by the desire of putting an end to the contest of which Greece and the Archipelago are the theatre, by an arrangement which shall be consistent with the principles of religion, justice, and humanity, the Undersigned have agreed:— Mediation.

1. That the arrangement to be proposed by the Porte, if that Government should accept the proffered mediation, should have for its object to place the Greeks towards the Ottoman Porte in the relation hereafter mentioned:

Greece should be a dependency of that Empire, and the Greeks should pay to the Porte an annual tribute, the amount of which should be permanently fixed by common consent. They should be exclusively governed by authorities to be chosen and named by themselves, but in the nomination of which authorities the Porte should have a certain influence. Greece to be a tributary dependency.

In this state the Greeks should enjoy a complete liberty of conscience, entire freedom of commerce, and should exclusively conduct their own internal government.

In order to effect a complete separation between individuals of the two nations, and to prevent the collisions which must be the necessary consequence of a contest of such duration, the Greeks should purchase the property of Turks, whether situated on the continent of Greece or in the islands.

2. In case the principle of a mediation between Turks and Greeks should have been admitted, in consequence of the steps taken with that view by His Britannic Majesty's Ambassador at Constantinople, His Imperial Majesty would exert, in every case, his influence to forward the object of that mediation. The mode in which, and the time at which, His Imperial Majesty should take part in

[1] Parliamentary Papers, 1863, Correspondence relative to the affairs of Greece, p. 4.

the ulterior negotiations with the Ottoman Porte, which may be the consequence of that mediation, should be determined hereafter by the common consent of the Governments of His Britannic Majesty and His Imperial Majesty.

3. If the mediation offered by His Britannic Majesty should not have been accepted by the Porte, and whatever may be the nature of the relations between His Imperial Majesty and the Turkish Government, His Britannic Majesty and His Imperial Majesty will still consider the terms of the arrangement specified in No. 1 of this Protocol, as the basis of any reconciliation to be effected by their intervention, whether in concert or separately, between the Porte and the Greeks; and they will avail themselves of every favourable opportunity to exert their influence with both parties, in order to effect this reconciliation on the abovementioned basis.

4. That His Britannic Majesty and His Imperial Majesty should reserve to themselves to adopt hereafter the measures necessary for the settlement of the details of the arrangement in question, as well as the limits of the territory, and the names of the islands of the Archipelago, to which it shall be applicable, and which it shall be proposed to the Porte to comprise under the denomination of 'Greece.'

Self-denying clause.

5. That, moreover, His Britannic Majesty and His Imperial Majesty will not seek in this arrangement any increase of territory, nor any exclusive influence nor advantage in commerce for their subjects, which shall not be equally attainable by all other nations.

6. That His Britannic Majesty and His Imperial Majesty being desirous that their allies should become parties to the definitive arrangements of which this Protocol contains the outline, will communicate this instrument confidentially to the Courts of Vienna, Paris, and Berlin, and will propose to them that they should, in concert with the Emperor of Russia, guarantee the Treaty by which the reconciliation of Turks and Greeks shall be effected, as His Britannic Majesty cannot guarantee such a Treaty.

Done at St. Petersburgh, $\frac{\text{March } 23}{\text{April } 4}$ 1826.

(Signed) WELLINGTON. NESSELRODE. LIEVEN.

The mediation thus offered was refused by the Porte, in a manifesto of 9th June, 1827[1]. The Governments of Austria

[1] Brit. and For. State Papers, xiv. p. 1042.

and Prussia declined to accede to the Protocol, but France not only did so but proposed its embodiment in a treaty[1], which was accordingly signed at London, on 6th July, 1827, by the representatives of Great Britain, Russia, and France, to the following effect[2]:— The Treaty of 6th July, 1827.

In the name of the Most Holy and Undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of France and Navarre, and His Majesty the Emperor of all the Russias, penetrated with the necessity of putting an end to the sanguinary struggle which, while it abandons the Greek Provinces and the Islands of the Archipelago to all the disorders of anarchy, daily causes fresh impediments to the commerce of the States of Europe, and gives opportunity for acts of Piracy which not only expose the subjects of the High Contracting Parties to grievous losses, but also render necessary measures which are burdensome for their observation and suppression.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of France and Navarre, having, moreover, received from the Greeks an earnest invitation to interpose their mediation with the Ottoman Porte; and together with His Majesty the Emperor of all the Russias, being animated with the desire of putting a stop to the effusion of blood, and of preventing the evils of every kind which the continuance of such a state of things may produce;

They have resolved to combine their efforts, and to regulate the operation thereof by a formal Treaty, for the object of re-establishing peace between the contending parties, by means of an arrangement called for, no less by sentiments of humanity, than by interests for the tranquillity of Europe.

For these purposes they have named their Plenipotentiaries to discuss, conclude, and sign the said Treaty, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland the Right Honourable John William Viscount Dudley, &c., his principal Secretary of State for Foreign Affairs.

His Majesty the King of France and Navarre the Prince Jules Count de Polignac, &c., his Ambassador at London;

and His Majesty the Emperor of all the Russias the Sieur

[1] See Parl. Papers, 1863, u. s., p. 22.

[2] Parl. Papers, 1828; N. R. vii, 282, 465.

Prince de Lieven, &c., his Ambassador extraordinary and plenipotentiary to His Britannic Majesty.

Who having communicated to each other their full powers, found to be in due and proper form, have agreed upon the following articles.

Mediation.

Art. 1. The contracting Powers shall offer their mediation to the Ottoman Porte, with the view of effecting a reconciliation between it and the Greeks. This offer of mediation shall be made to that Power immediately after the ratification of the present treaty, by means of a joint declaration, signed by the plenipotentiaries of the Allied Courts at Constantinople; and, at the same time, a demand for an immediate armistice shall be made to the two contending parties, as a preliminary and indispensable condition to the opening of any negotiation.

Bases of arrangement.

Art. 2. The arrangement to be proposed to the Ottoman Porte shall rest upon the following bases:—

The Greeks shall hold under the Sultan as under a Lord paramount; and, in consequence thereof, they shall pay to the Ottoman Empire an annual tribute, the amount of which shall be fixed, once for all, by common agreement. They shall be governed by authorities whom they shall choose and appoint themselves, but in the nomination of whom the Porte shall have a defined right. In order to effect a complete separation between the individuals of the two nations, and to prevent the collisions which would be the inevitable consequence of so protracted a struggle, the Greeks shall become possessors of all Turkish property situated either upon the continent, or in the islands of Greece, on condition of indemnifying the former proprietors, either by an annual sum to be added to the tribute which they shall pay to the Porte, or by some other arrangement of the same nature.

Art. 3. The details of this arrangement, as well as the limits of the territory upon the continent, and the designation of the islands of the Archipelago to which it shall be applicable, shall be settled by a negotiation to be afterwards entered into between the High Powers and the two contending parties.

Art. 4. The contracting Powers engage to pursue the salutary work of the pacification of Greece, upon the bases laid down in the preceding articles, and to furnish, without the least delay, their representatives at Constantinople with all the instructions which are required for the execution of the Treaty which they now sign.

Art. 5. The contracting Powers will not seek in these arrange-

ments, any augmentation of territory, any exclusive influence, or any commercial advantage for their subjects, which those of every other nation may not equally obtain. Self-denying clause.

Art. 6. The arrangements for reconciliation and peace, which shall be definitively agreed upon between the contending parties, shall be guaranteed by those of the signing Powers who may judge it expedient or possible to contract that obligation. The operation and the effects of such guarantee shall become the subject of future stipulation between the High Powers.

Art. 7. The present Treaty shall be ratified, and the ratifications shall be exchanged in two months, or sooner if possible.

In witness, &c.

Done at London, the 6th day of July, in the year of our Lord 1827.

DUDLEY. LE PRINCE DE POLIGNAC. LIEVEN.

Additional Article.

In case the Ottoman Porte should not, within the space of one month, accept the mediation which is to be proposed to it, the High contracting parties agree upon the following measures :— Measures in case of non-acceptance.

1. It shall be declared to the Porte, by their representatives at Constantinople, that the inconveniences and evils described in the Patent Treaty as inseparable from the state of things which has, for six years, existed in the East, and the termination of which, by the means at the command of the Sublime Ottoman Porte, appears to be still distant, impose upon the High contracting parties the necessity of taking immediate measures for forming a connection with the Greeks. It is understood that this shall be effected by establishing commercial relations with the Greeks, and by sending to and receiving from them, for this purpose, consular agents, provided there shall exist in Greece authorities capable of supporting such relations.
2. If, within the said term of one month, the Porte does not accept the armistice proposed in the first article of the Patent Treaty, or if the Greeks refuse to carry it into execution, the High contracting Powers shall declare to either of the contending parties which may be disposed to continue hostilities, or to both of them, that the said High Powers intend to exert all the means which circumstances may suggest to their prudence, for the purpose of obtaining the

immediate effects of the armistice of which they desire the execution, by preventing, as far as possible, all collision between the contending parties; and in consequence, immediately after the above-mentioned declaration, the High Powers will, jointly, exert all their efforts to accomplish the object of such armistice, without, however, taking any part in the hostilities between the two contending parties. Immediately after the signature of the present additional Article, the High contracting Powers will, jointly, transmit to the admirals commanding their respective squadrons in the Levant, conditional instructions in conformity to the arrangements above declared.

3. Finally, if, contrary to all expectation, these measures do not prove sufficient to procure the adoption of the propositions of the High contracting parties by the Ottoman Porte; or if, on the other hand, the Greeks decline the conditions stipulated in their favour, by the Treaty of this date, the High contracting Powers will, nevertheless, continue to pursue the work of pacification, on the bases upon which they have agreed; and, in consequence, they authorise, from the present moment, their representatives at London to discuss and determine the future measures which it may become necessary to employ.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the treaty of this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the said treaty.

In witness, &c.

Done at London, the 6th day of July, in the year of our Lord 1827.

DUDLEY. LE PRINCE DE POLIGNAC. LIEVEN.

The Conference of London.

In pursuance of the third paragraph of this *additional article*, a conference of the representatives of the three signatory Powers met at London on 12th July, 1827, and continued to meet, from time to time, for more than ten years[1].

Under the instructions of the Conference of London, conferences were held at Constantinople in 1827, and at Poros in 1828, without much ultimate result[2].

[1] See the Protocols of the Conference in the Parliamentary Papers for 1830, 1832, and 1843; also in Martens, Nouveau Recueil, xii, xvi, xvii; and in the British and Foreign State Papers, xvii, xviii, xix, xxii, xxv.

[2] See the Protocols of the Conference at Constantinople (16th August-

In August 1827 the mediation of the Powers was rejected by the Porte but accepted by the Greeks[1]. On 20th October occurred the destruction of the Turkish fleet at Navarino. Early in December the Ambassadors left Constantinople, and on the 20th of that month the Porte issued a defiant manifesto[2]. Mediation refused by the Porte.

At a sitting of 22nd March, 1829, the London Conference sanctioned an arrangement which, though afterwards superseded, marks an important stage in the history of the question[3]. The Ambassadors of the three Powers at Constantinople were directed to open a negotiation with the Porte upon the following bases: Greece to be governed, under the suzerainty of the Porte, by a hereditary Christian prince or chief, not a member of the reigning families of the signatories to the Treaty of 1827, to be chosen by those Powers and the Porte. The new Principality to consist of a specified portion of the mainland and specified islands, and to pay an annual tribute to the Porte of 1500,000 Turkish piastres. The arrangement to be guaranteed in pursuance of Art. 6 of the Treaty of 1827. The Protocol of 22 March, 1829.

Under the pressure of the war with Russia, the Porte on 15th August, 1829, declared its adherence to the Treaty of London, and conditionally to the Protocol of 22nd March. On 9th September it promised to accept all the conclusions of the Conference of London[4]. Acceptance by the Porte.

A new departure was taken by the Conference in 1830. On 3rd February of that year it adopted three Protocols. By the first of these it was agreed, in substance: that Greece should be wholly independent of the Porte; that it should be governed by a prince not to be chosen from the reigning The Protocols of 3rd Feb. 1830. Independence.

4th December, 1827), and of Poros (28th December, 1828) in the Parliamentary Papers for 1830.

[1] Brit. and For. State Papers, xiv. p. 1048. [2] Ib., p. 1042.

[3] Prot. No. 17.

[4] By Art. 10 of the Treaty of Adrianople, made with Russia 14th September, 1829, the Porte also declares its 'entire adhesion to the Treaty of London,' and 'equally accedes to the Act of 22nd March, 1829.'

families of the signatories to the Treaty of 1827; that the land boundaries of the new state should be somewhat withdrawn from the frontier as defined by the Protocol of 22nd March, 1829; that certain islands should belong to Greece[1].

The final list of islands.

The second Protocol decides that Prince Leopold of Saxe-Coburg should be requested to become Sovereign Prince of Greece.

Religious Equality.

The third Protocol provides for religious equality, and the continued enjoyment by the Catholic religion of certain privileges in the new State[2].

Prince Leopold.

The Prince accepted on 11th February; but, the Conference having declined, on 20th February[3], to enlarge the continental boundaries of the new Principality, or to stipulate for the good treatment of Candia and Samos, withdrew his acceptance in letters dated 15th and 21st May[4].

The Protocol of 26th Sept. 1831.

A Protocol of 26th September, 1831[5], decided to vary the frontier again, so as to follow the line proposed on 22nd March, 1829.

Prince Otho to be a King.

On 13th February, 1832, the Conference agreed to offer the throne to Otho[6], second son of the King of Bavaria, and a Protocol of 26th April accedes to the wish of the King of Bavaria that the Sovereign of Greece should assume the title of King[7].

The Convention of 7th May, 1832.

At a sitting of the Conference on 7th May, 1832, a Convention constituting the new kingdom was signed by the representatives of the three Powers, and by the representatives of the King of Bavaria *sub spe rati*[8]. At a sitting of the 30th June the ratifications were exchanged, and a note on the

[1] Prot. No. 23, q. v. infra, Texts, No. I. [2] Prot. No. 25, Texts, No. II.
[3] Prot. No. 26. [4] Prot. No. 30. [5] Prot. No. 36.
[6] Prot. No. 39. [7] Prot. No. 44.
[8] Prot. No. 45, Annexe A, q. v. infra, Texts, No. III. This Convention is to be read with an explanatory article annexed to the Protocol of 30th April, 1833, No. 57, q. v. infra, Texts, No. IV, and with the Convention of London of 20th Nov. 1852 (see N. R. G. xvii, 2 P. 69), which, relating wholly to the Bavarian dynasty, is now inoperative.

part of Bavaria, with reference to the guarantee of a loan and some minor matters, together with the reply of the three Powers, was placed on record[1].

The land boundary of the new State was fixed by the following 'Arrangement,' made at Constantinople on 21st July, 1832, between the three Powers and the Porte, and destined to remain in force for nearly half a century[2]:— The Arrangement of 21 July 1832.

> The Representatives of the three Powers, parties to the Treaty of London of the 6th of July, 1827, namely, the Right Honourable Sir Stratford Canning, Ambassador Extraordinary and Plenipotentiary of His Britannick Majesty on a Special Mission to the Ottoman Sublime Porte; the Sieur Appolinaire Bouteneff, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias; and the Sieur Jacques Edouard, Baron Burignot de Varenne, Chargé d'Affaires of His Majesty the King of the French, having made known to the Sublime Ottoman Porte, the changes which it was necessary to make in the frontier of Greece, and having communicated to it the object of the instructions, and of the powers with which they were furnished, to propose to it a definitive boundary line, upon condition of compensating, by an equitable indemnity, the losses which might result therefrom:—the Sublime Porte, animated with the desire of consolidating the arrangements to which, out of consideration for the three Allied Courts, and relying on their sincere intentions, it had previously agreed, has consented to enter upon a negotiation for this purpose, and has charged therewith two of its Ministers, namely: His Excellency Mustapha Behdjet Effendi, Ex-Cazesker of Roumelia, at the present time first Physician of His Highness, and His Excellency Elhadj Mehemed Akif Efendi, present Reis Efendi.
>
> The above-mentioned Plenipotentiaries, filled with the sentiments of their respective Governments, and having no other object in view than that of terminating the Greek affair in a way that shall be durable, and calculated to prevent all further discussion on this question, have met several times for this salutary purpose; and the complete result of their conferences has been recorded in the present document, exchanged between the parties as the instrument of their final transaction.

[1] Prot. No. 48.

[2] Prot. No. 52, Annexe A.

It is agreed that:—

1. With respect to boundary; on the eastern side, the extreme point of separation of the two States shall be fixed at the mouth of the little river which flows near the village of *Gradiza*: the frontier line shall ascend this river to its source, shall thence reach the chain of Mount Othryx, leaving to Greece the passage of Klomo, provided the crest of that chain be not passed: thence it shall follow, in a westerly direction, the crest of the same chain along the whole extent thereof, and especially the peak of *Varibovo*, in order to attain the height which, under the denomination of *Veluchi*, forms the point of connexion of the three great chains of mountains of the country. From this height the line shall continue, adapting itself as much as possible to the salient features of the country, across the valley of the *Aspropotamos* to the Gulf of Arta, terminating at that gulf between *Coprina* and *Menidi*, in such manner, as that in any case. the bridge of *Tartarina*, the defile and the tower of *Macrinoros*, shall be comprised within the limits of Greece, and that the bridge of *Coracos*, and the salt springs of *Coprina*, shall be left to the Ottoman Porte. Thus, the shore of the Gulf of Arta to the north and west of the point where the boundary line meets its waters, will be retained by the Ottoman Empire, and the shore of this gulf to the south and west of the line is assigned to the state of Greece, with the exception of the fort of *Punta*, which will continue to belong to the Porte, with a radius of territory which shall not be less than half an hour, nor more than an hour.

Alternative as to Zeitoun.

Nevertheless, as the Representatives, full of deference for the wish which has been expressed in the name of His Highness, relative to the portion of the district of Zeitoun, situate to the left of the Sperchius, having agreed that reference should be made on the subject to the Conference of London, upon the express condition that the decision and execution of the measures consequent thereupon, should not be retarded thereby; it has become necessary to provide for the possible contingency of that portion of the territory of Zeitoun remaining to the Ottoman Empire.

The boundary line to the east will in that case commence at the mouth of the river Sperchius, and will run up its left bank to the point of contact of the districts of Zeitoun and of Patradjik; thence it will reach to the summit of the chain of the Othryx, following the common boundary of those two districts, and the most direct line in the event of that common boundary not attaining the summit of the chain of the Othryx.

It will continue in the manner before-mentioned, in order to terminate at the Gulf of Arta.

2. With respect to the indemnity, it remains fixed at the sum of forty millions of Turkish piastres, provided the portions of the district of Zeitoun, situate to the left of the river Sperchius, shall have been, in consequence of the decision of the Conference of London, definitively assigned to the Greek State. Alternative as to indemnity.

If, on the other hand, in consequence of the decision of the Conference of London, those portions of the district of Zeitoun are to continue to belong to the Ottoman Empire, the indemnity which the Porte will receive, remains fixed at the sum of thirty millions of Turkish piastres.

3. The Commissioners of the three Courts shall immediately proceed to the marking out of the boundary now settled. A Commissioner shall be appointed by the Sublime Porte, to join in the labours of this demarcation. It is clearly understood that no delay shall arise in this operation, whether from the absence of one or two of the Commissioners, or from any other cause. A Commissioner appointed by the Greek Government, may co-operate in the same labours, which should be completed in the space of six months, dating from this day. In case of difference of opinion between the Commissioners, the question shall be equitably resolved by a majority of voices.

4. The indemnity which is due to the Sublime Porte in virtue of the present arrangement, shall be paid on the 31st of December of the present year, on which day, in conformity with the following Article, all the territories, without exception, which are to constitute Greece, shall be evacuated, if not sooner, by the Troops and Authorities of the Sublime Porte. This payment shall be effected at Constantinople on the 31st of December, 1832, at the rate of exchange of the day at the signing of this instrument, by Drafts on London, Paris, Vienna, or Petersburgh: and the Porte shall be officially informed on this matter on the arrival of the formal confirmation of this transaction.

5. On the 31st of December of the present year, or sooner if possible, the territories which form the object of the present arrangement, shall be entirely evacuated by the Ottoman Troops and Authorities. With respect to the territories previously assigned to Greece, and which are still occupied by the Sublime Porte, they also shall be evacuated within the same period; so that, on the day specified, the evacuation of all the territories, without exception, which are to constitute Greece, shall have been in every instance completely effected.

Punta. 6. The fort of *Punta*, as has been said above, being intended to remain to the Porte to complete the means of defence of Prévésa, and in order the better to secure the safety of its commerce, they shall only be permitted therein a garrison sufficient for the occupation of that post; it is understood, that the Ottoman Authorities will not oppose any obstacle to the passage of Greek Vessels; and, excepting Customs' dues, and other imposts which would be due to the Sublime Porte in cases where vessels may put into Punta, Prévésa, or other Turkish Ports of the Gulf of Arta, the Authorities shall demand nothing for the passage.

Options of removal and sale. 7. A term of eighteen months, dating from the day on which the labours of the demarcation shall have been completed, is accorded to such individuals as may desire to quit the territories which form the object of the present arrangement, and to sell their estates. This term of eighteen months may, in special cases, and under unforeseen circumstances, be prolonged some months, and a commission of arbitration shall determine on the validity of these cases for exception, and shall assist in causing the sales to be effected at a fair price.

The same advantages are accorded to the inhabitants of the Island of Eubea and of Attica, and to the proprietors of Thebes, who would, at the present day, be in the receipt of their rightful revenues, if that district were occupied by the Ottoman troops, at the date of the assent of the Porte to the preceding arrangements of the 3rd of February, 1830.

It is understood that these individuals will alike be allowed to dispose, and within the same period, of any beneficial interest which they may have, either as tenants, or as hereditary administrators, in the *vacoufs*, the whole of which is transferred to the Greek State.

Commerce with Turkey. 8. In conformity with the preceding stipulations, the Government of the new King of Greece will have the power of entering into negotiation for the purpose of regulating its relations of commerce and navigation with the Sublime Porte on a principle of reciprocity; and agents duly accredited on either side shall be received in the ports of Turkey and Greece, according to the usual forms, so that Ottoman subjects shall have an acknowledged right to traffick at their will in the State of Greece, and that, on their side, the Greeks shall cease to have recourse to foreign protection for frequenting the ports and trading-towns of the Ottoman Empire.

The undersigned Plenipotentiaries of the three Courts, and

those of the Sublime Porte, having brought to a close the Conferences which they have held for the purpose of effecting the definitive settlement of the boundary of Greece, as above described, declare that, considering the arrangements recorded by common agreement in the present instrument, the object of the Treaty of London of the 6th of July, 1827, and of the Protocols, under different dates, which relate thereto, is completely attained; that the prolonged negotiations, to which those stipulations have given rise, are determined in such a manner as never to be renewed; in fact, that the Greek question is irrevocably settled. Settlement of the Greek question.

The formal confirmation of the present final arrangement, by the three august Courts, shall be transmitted to the Sublime Porte within the period of four months, dating from this day; and that confirmation shall have, with respect to this Act, all the force of a ratification.

Done at Constantinople, the $\frac{6}{21}$ July, 1832 (the 23rd of the month Safer, 1248 of the Hegira).

(Signed) STRATFORD CANNING.
A. BOUTENEFF.
E. B. VARENNE.

The questions left open by the 'Arrangement' were settled, and the arrangement itself was formally confirmed, by the following Protocol, of 30th August, 1832, which also rejects as inadmissible certain demands made by the Turks[1]:— The Protocol of 30th Aug. 1832.

The Plenipotentiaries of the three Courts, having met in Conference, examined, with the most serious attention, the annexed arrangement (A), concluded on the 21st of July of the present year, at Constantinople, between the Representatives of the Courts of France, of Great Britain, and of Russia, on the one hand, and the Ottoman Porte on the other, for the definitive settlement of the continental limits of Greece.

After this examination, the Plenipotentiaries of the three Courts, without prejudice to the direct sanction which the three Courts themselves might give to the arrangement above-mentioned, acknowledged that it completely answered the instructions with which the Representatives of France, Great Britain, and Russia had been furnished, in the month of September, 1831; and proceeded to the exercise of the power vested in the Conference of London, to choose between

[1] Prot. No. 52.

the two lines of demarcation, which the said arrangement points out.

The district of Zeitoun.

Considering that the arrangement of Constantinople, of the 21st of July, of the present year, is the result of a negotiation, the essential object of which was to determine upon a frontier line between the Ottoman Empire and the new Greek State, which should afford security to the one and the other, as perfect as possible; that the Ottoman Porte has fully assented to this principle; that the second line of demarcation pointed out in the arrangement of Constantinople, of the 21st of July, of the present year, so far from affording this mutual security, would bring about, according to all the opinions which have reached the Conference of London, a state of relative possession which could not but be the source of collisions and troubles; finally, that, for these reasons, the second line, of which mention has just been made, would not fulfil the object of the negotiation which had been opened with the Ottoman Porte, and would not provide for the interests of Turkey and of Greece, which that negotiation ought to secure to both, the Plenipotentiaries of the three Courts, exercising the powers with which they are invested, adopt unanimously the first line of demarcation pointed out in the arrangement of Constantinople, of the 21st of July, of the present year; and declare in consequence, as agreed upon, and irrevocably concluded, that:—

1st. With respect to the boundary:—On the eastern side, the extreme point of separation of the two States (the Ottoman Empire and independent Greece) 'shall be fixed at the mouth of the little river which flows near the village of *Gradiza*:—the frontier line shall ascend that river to its source, shall thence reach the chain of Mount Othryx, leaving to Greece the passage of Klomo, provided the crest of that chain be not passed. Thence it shall follow in a westerly direction, the crest of the same chain, along the whole extent thereof, and especially the peak of *Varibovo*, in order to attain the height which, under the denomination of *Veluchi*, forms the point of connexion of the three great chains of mountains of the country. From this height the line itself shall continue, adapting itself as much as possible to the salient features of the country, across the valley of the *Aspropotamos* to the Gulf of *Arta*, terminating at that gulf between *Coprina* and *Menidi*, in such manner as that, in any case, the bridge of *Tartarina*, the defile and the tower of *Macrinoros*, shall be comprised within the limits of Greece; and that the bridge of *Coracos* and the

salt-springs of *Coprina* shall be left to the Ottoman Porte. Thus the shore of the Gulf of Arta, to the north and west of the point where the boundary line meets its waters, will be retained by the Ottoman Empire, and the shore of this gulf, to the south and west of the line, is assigned to the State of Greece, with the exception of the fort of *Punta*, which will continue to belong to the Porte, with a radius of territory which shall not be less than half an hour, nor more than an hour.'

2nd. With respect to the indemnity to be paid by Greece, it remains fixed at the sum of forty millions of Turkish piastres. The indemnity.

The Plenipotentiaries of the three Courts declared further, that the Conference of London approve and confirm, without any reservation, all the other points in the arrangement of Constantinople, of the 21st of July of the present year; that the said points would have to be observed and executed according to the tenour of that arrangement, and that for this purpose the present Protocol shall be communicated on the one hand to the Ottoman Porte, through the Representatives of the three Courts at Constantinople, and on the other, to the Royal Greek Regency, through the Plenipotentiary of His Majesty the King of Bavaria.

Proceeding then to the examination of the Protocol hereunto annexed, (B.) which also bears the date of the 21st of July of the present year, and which the Representatives of France, of Great Britain, and of Russia, at the Ottoman Porte, have engaged simply to lay before the Conference of London, the Plenipotentiaries of the three Courts were of opinion that, notwithstanding the readiness with which the Courts willingly yield in general to the wishes expressed to them in the name of the Sultan, they find it utterly impossible to comply with the demands which the said Protocol puts forward on the part of the Ottoman Porte.

In fact, as to the first of these demands, it is sufficient to observe, that the right of maintaining forces by land and by sea, without limiting the number of them, is a right inherent in the independence of a State; that the independence of Greece, and all the rights inherent therein, have been sanctioned by the Protocol of the 3rd of February, 1830; that the Ottoman Porte has fully acceded to that Protocol; and that consequently, neither the Courts which have signed it, nor the Ottoman Porte which has acceded thereto, could now, without violating their engagements, curtail any one of those rights which that same Protocol accords to Greece to their full extent. Refusal to limit Greek forces.

Refusal to neutralise, The same arguments militate against the second demand of the Ottoman Government. The right to take part in any war which breaks out between third Powers, is also one of the rights inherent in the independence of a State, unless that State shall have been constituted and declared perpetually neutral. Now Greece has not been constituted and declared perpetually neutral. Therefore, not possessing the advantages of a perpetual neutrality, she could not rightly be called upon to fulfil the obligations of neutrality.

or to require extradition, With respect to the third demand of the Ottoman Government, the Plenipotentiaries of the three Courts were of opinion that it did not come within the province of the Conference of London, the Conference not having the power of mixing itself up with questions which are connected with the internal legislation of Greece.

or to vary the list of islands. The Plenipotentiaries of the three Courts observed finally, with respect to the wishes expressed by the Ottoman Government, that there never was a question, in the late negotiations of Constantinople, of changing the insular limits of Greece; that those limits, which include in the number of Greek Islands, the islands called the Devil's Isles, namely, Skiatho, Skopelo, and Chelidrome, were definitely established by the Protocol of the 3rd of February, 1830, to which the Ottoman Porte acceded; that the position of those three islands presents nothing menacing to the neighbouring Turkish Provinces; and that their cession could not result from a negotiation which was empowered to modify the continental limits only of Greece by means of a pecuniary indemnity.

The Plenipotentiaries of the three Courts have agreed to transmit the present Protocol to the Representatives of France, of Great Britain, and of Russia, at Constantinople, and to the Bavarian Plenipotentiary at the Conference of London, by the despatch and note subjoined (C. D.).

(Signed) MAREUIL.
PALMERSTON.
LIEVEN.
MATUSZEWIC.

Delimitation. The boundary Commissioners commenced their labours in September 1832, and the territory assigned to the new kingdom was incorporated into it by an act of the Regency, dated 1st February, 1833[1]. The maps prepared by the Com-

[1] Hertslet, Map of Europe by Treaty, p. 917.

missioners were presented by the representatives of the three Powers to the Porte, and its approval of them was brought to the cognisance of the Conference of London on 30th January, 1836[1].

The guaranteed loan.

The Greek Government failing to comply with the provisions of the Convention of 7th May, 1832, with reference to the loan guaranteed by the Powers, meetings of the Conference were held in 1836 and afterwards upon the subject[2]. In 1857 a Commission of representatives of the three Powers sat at Athens to enquire into the state of the finances of the country, and reported, on 24th May, 1859, demanding an annual payment by the Greeks of £36000[3]. An 'Arrangement' in this sense was made in June of the following year[4].

The change of dynasty.

In October, 1862, King Otho was deposed, and the vacant throne was eventually offered, by a vote of the National Assembly, on 30th March, 1863, to Prince William, second son of the King of Denmark[5]. A Conference of the three guaranteeing Powers, held in London from 16th May to 26th June[6], confirmed the choice.

Conference of the three Powers.

The Protocol of the first sitting of the Conference records the regret of the Plenipotentiaries that, after an experience of thirty years, the order of things established in 1832 had not consolidated itself in Greece under the dynasty which the Convention of 7th May called to the throne, in virtue of the power then delegated by the Greek nation to the courts of France, Great Britain and Russia; 'whose mandate is therefore now at an end.'

At the sitting of 27th May, the King of Bavaria not having accepted the invitation of the Conference to be repre-

[1] Prot. No. 58. [2] Prot. Nos. 60-97.

[3] Parl. Papers, 1860.

[4] Parl. Papers, 1864, Greece, No. 2.

[5] A previous choice of Prince Alfred of England was maintained by the Three Powers to be excluded by the Protocol of 3rd February, 1830. See Parl Papers, 1863; and Hansard, clxix. p. 1470.

[6] Parl. Papers, 1863, Greece, Nos. 2 and 4; N. R. G. xvii. P. 2, p. 73.

sented at its meetings, the Plenipotentiaries resolved: 'that their Courts, while released from their trusts by circumstances unprovided for by the Convention of 1832, could not indefinitely defer the time when it would be fitting to replace Greece under a system conformable to the monarchical principles which it is their interest to maintain in the new State founded by their united efforts.'

The Protocol of 5th June, 1863.

At a sitting of 5th June, attended by the Plenipotentiary of Denmark, there were read the decree of the National Assembly of Greece, offering the crown to Prince William, and a note, dated 4th June, announcing the acceptance of the offer by the King of Denmark. The three Powers thereupon expressed their approval of the choice, and it was agreed that should the Ionian Parliament vote for annexation to Greece, and should Austria, France, Prussia, and Russia assent to it, Her Britannic Majesty would recommend to that Parliament to appropriate £10,000 to the King's civil list; that each of the three guaranteeing Powers would remit annually £4000 from its claims against the Greek Government for the same purpose; that the legitimate successors of King George I to the Greek throne should, in accordance with the principle recognised by the Treaty of 1852, and proclaimed by the decree of the National Assembly of 30th March, 1863, profess the tenets of the orthodox Church of the East; and that the crowns of Greece and Denmark should in no case be united on the same head.

of 26th June.

By a Protocol of 26th June the three Powers place upon record their agreement to continue, and extend to the Ionian Islands, their guarantee of the frontiers of Greece, in accordance with Article 4 of the Convention of 1832, and to watch over in concert the execution of the engagement of the Greek Government made in 1860 with reference to obligations incurred by it under Article 12 of the Convention.

The Treaty of 13th July, 1863.

A Treaty, in accordance with the resolutions of the Conference, declaring Prince William to be 'King of the Greeks,' with the title of George I, was signed at London, on 13th

July, 1863, on behalf of the three Powers and of the King of Denmark[1].

This Treaty was varied, with reference to the title assumed by the new King, and to the mention of the Greek Senate in Article 1, by Protocols signed on behalf of the same Powers on 3rd August and 13th October[2]. Protocols varying the Treaty.

The cession of the Ionian Islands required the consent of the signatories of the Treaty of Paris of 5th November, 1815, and a Conference of the representatives of Austria and Prussia, as well as of France, Great Britain, and Russia, accordingly met in London to consider the question[3]. Conference of the five Powers.

By a Convention signed at Constantinople, 21st March, 1800, between Russia and the Porte, it had been agreed that these islands, which were originally subject to Venice, but had recently been seized by the French, should form a self-governing tributary republic under the suzerainty of the Porte. By the Treaty of Paris of 5th November, 1815, the islands mentioned in the Convention of 1800 were to be 'an independent State, under the denomination of the United States of the Ionian Islands, under the immediate and exclusive protection of the King of Great Britain and Ireland.' This arrangement had been recognised by the Porte in a firman dated 24th April, 1819.

The Conference now resolved, 1st August, 1863, that the islands should be united to Greece 'under the sanction of a European Act[4];' and the Ionian Parliament having, on 19th October, voted for annexation, the representatives of the five Powers executed at London, on 14th November, 1863, a Treaty in accordance with this resolution[5]. The Ionian islands to be ceded. The Treaty of 14th November, 1863.

In the following Spring a Conference of the five Powers signed, at London, on 25th January, two Protocols, by the

[1] Parl. Papers, 1864; N. R. G. xvii, 2 P., 223; q. v. infra, Texts, No. V.
[2] Parl. Papers, 1864; N. R. G. xviii, 16, 47; q. v. infra, Texts, No. VI.
[3] Parl. Papers, 1864, Greece, No. 4.
[4] Parl. Papers, 1863; N. R. G. xviii, 53.
[5] Parl. Papers, 1864; N. R. G. xviii, 47; q. v. infra, Texts, No. VII.

Protocols of the five Powers.

former of which it was agreed that the neutralisation of the islands, effected by Article 2 of the Treaty of 14th November, should be confined to Corfu and Paxo[1], by the latter an explanation was given of the effect of Article 4 of the Treaty upon treaties of commerce[2].

The Treaty of 29th March, 1864.

On 29th March, 1864, a Treaty was signed at London between the three guaranteeing Powers and the King of the Hellenes, in pursuance of Article 6 of the Treaty of 14th November, with reference to the cession of the islands[3]; and a

The Protocol of same date.

Protocol of the same date, signed on behalf of the same parties, recorded the decision of His Hellenic Majesty 'to maintain, in all its integrity, that clause of the Decree concerning his election, in virtue of which his legitimate heirs and successors to the throne of Greece must profess the tenets of the orthodox Church of the East[4].' On the same day a Convention was also executed between Great Britain and Greece with reference to the claims of officials in the islands[5].

The accession of the Porte to the Treaty.

A Protocol signed at Corfu on 28th May records the cessation of the British Protectorate of the islands[6]. The Porte acceded to the Treaty of 29th March, 1864, by an Act signed at Constantinople on 28th May, 1865[7].

The neutrality of Greece during the Russo-Turkish War was ascribed by it to a wish to conform to the desires of the Great Powers, and was accordingly put forward, both at the Conference of Constantinople in 1876[8] and at the Congress of Berlin in 1878, as a reason for the favourable consideration by those Powers of an extension of the limits of the kingdom.

[1] Parl. Papers, 1864, Greece, No. 1; N.R.G. xviii, 60; q.v. infra, Texts, No. VIII. [2] Ibid.

[3] Parl. Papers, 1864; N.R.G. xviii, 63; q.v. infra, Texts, No. IX.

[4] Parl. Papers, 1864, Greece, No. 1; N. R. G. xviii, 48; q.v. infra, Texts, No. X. Cf. the Protocol of 5th June 1863, Art 1 of the Treaty of 20 November 1852, the Protocol of 5th June 1863, and Art. 7 of the Treaty of 13th July 1863.

[5] Parl. Papers, 1864, Greece, No. 1; N.R.G. xviii, 72.

[6] N.R.G. xviii, 68.

[7] Parl. Papers, 1865; N.R.G. xx, 86; q.v. infra, Texts, No. XI.

[8] Parl. Papers, 1877, Turkey, No. 2, pp. 70, 173.

The 13th Protocol of the Congress of Berlin records the opinion of the Powers that 'the rectification of the Turko-Greek frontier might follow the valley of the Selmyrias (the ancient Peneus) on the side of the Aegaean Sea, that of the Calamos on the side of the Ionian Sea[1].' The Congress of Berlin.

Article 24 of the Treaty of Berlin provides that 'In the event of the Sublime Porte and Greece being unable to agree upon the rectification of frontier suggested in the 13th Protocol of the Congress of Berlin, Germany, Austria-Hungary, France, Great Britain, Italy, and Russia reserve to themselves to offer their mediation to the two parties to facilitate negotiations[2].' The Treaty of Berlin, 1878.

The Greeks lost no time in attempting to gain the accession of territory suggested by the Congress. Only four days after the signature of the Treaty of Berlin the Government of Athens addressed a note to the Porte, requesting it to appoint Commissioners for the purpose. After much dilatory diplomacy, a Conference took place at Prévéza between Commissioners of the two Powers, from 8th February to 18th March, 1879, but without result[3]. A Conference held at Constantinople, from 22nd August to 17th November of the same year, was equally fruitless[4]; and early in 1880 the Greek Minister was recalled from Constantinople. A new era in the negotiations dates from the appearance on the scene of Mr. Goschen, as British Ambassador to Turkey, in the following May. On 11th June identic notes were presented to the Porte, in which it was informed that the representatives of the Powers accredited to the Emperor of Germany would meet at Berlin, on the 16th of the month, 'in order to decide by a majority of votes, and with the assistance of officers possessed of the necessary technical knowledge, the line of frontier it will be best to adopt[5].'

The Conference met and traced its line[6], which the Powers, The Conference of Berlin.

[1] Prot. No. 13, Parl. Papers, 1878. [2] Infra, chapter VI.

[3] Martens, N. R. G., 2me série, vi, pp. 1–14.

[4] Ib. pp. 14–95. [5] Parl. Papers, 1880, Turkey, No. 9.

[6] Parl. Papers, 1880, Turkey, No. 9; N. R. G., 2me Série, vi. 95. The new frontier is defined as follows: 'La frontière suivra le thalweg du Kalamas

in a collective note of 15th July, invited both Greece and Turkey to accept. The Porte having replied, stating its objections, on 26th July, the Powers, on 25th August, addressed to it another collective note, declining to reopen the question, but expressing a readiness to consider any suggestions which the Porte might wish to make as to the manner in which the cession should be made. About this time the Montenegrin question became prominent, and little more is heard of the Greek frontier till December 1880, on the 18th of which month a proposal was made by France, which, proving acceptable to neither party, was withdrawn on 17th January of the following year, to the effect that the six Powers should act as final arbitrators upon the matters in dispute. On 28th December an article appeared in the *Agence Russe*, suggesting that Crete instead of Janina should be ceded to Greece.

A change of policy.

In the meantime the Greek army had been mobilized, and the nation, wrought up to a high pitch of excitement, declared that it would accept nothing less than the line of the Berlin Conference. But the policy of the powers had undergone some modification. They were most unwilling to allow any further fighting; and having ascertained the *maximum* that could be gained from Turkey by merely diplomatic pressure, offered this to the Greek government, in a collective note dated 7th April 1881, in substitution of the line as drawn by the Conference.

Greece replied on the 12th of the same month, by what has been called a 'shuffling acceptance,' which was however doubtless expressed as clearly as it could have been without leading

depuis l'embouchure de cette rivière dans la Mer Ionienne jusqu'à sa source dans le voisinage de Han-Kalabaki, puis les crêtes qui forment la ligne de séparation entre les bassins: Au Nord, de la Vouitza, de l'Haliacmon, et du Mavroneri et leurs tributaires: Au sud, du Kalamas, de l'Arta, de l'Aspropotamos et du Salambryas (Pénée ancien), et leurs tributaires; pour aboutir à l'Olympe, dont elle suivra la crête jusqu'à son extrémité orientale sur la Mer Egée. Cette ligne laisse au sud le Lac de Janina et tous ses affluents, ainsi que Metzovo, qui resteront acquis à la Grèce.'

to an immediate change of ministry, and was treated by the Powers as an acceptance, in a collective note, addressed on the 19th April to the Porte, and on the 20th to Greece[1].

Another month was spent in discussions on questions of detail, such as the proportion of the Ottoman debt which ought to be undertaken by Greece in respect of Thessaly, Vakouf, and estates belonging to government in the ceded territory, and guarantees for the Mussulman population there. Turkey, as usual, asked for much more than she was likely to get, but she got something, and a Convention carrying out the cession was signed at Constantinople on 24th May and ratified on 14th June by the representatives of the Porte and the Great Powers[2]. A subsidiary Turko-Greek Convention was signed, as was provided in the principal Convention, at the same place on 2nd July[3].

The Convention of 24th May, 1881.

On 6th July the Greek troops crossed the old frontier line, and, section by section, under the careful supervision of military officers delegated by the Powers, in accordance with the Act annexed to the Convention, the territory was peaceably handed over to its new masters. The Delimitation Commission, mentioned in Article 1 of the Convention, had been at work in the meantime, and its final Protocol was signed at Constantinople on 28th November, 1881; the Turks signing under reserve as to four points which they objected to surrender to Greece, viz. Karalik-Dervend, Nezeros, or Analypsis, Kritzovali, and Gounitza[4]. In August, 1882, some fighting occurred between the Ottoman and Greek troops in the neighbourhood of Karalik-Dervend, but an armistice was concluded between them on 6th September, and the difficulty was settled by a Protocol, signed on 9th November, by the Commissioners of both parties, accepting the frontier as it had been laid down by the international Commission.

Delimitation.

[1] Parl. Papers, 1881, Greece, No. 6.

[2] Parl. Papers, 1881, Greece, No. 7; N. R. G., 2me Série, vi, 753; q. v. infra, Texts, No. XII.

[3] Parl. Papers, 1882, Greece, No. 2; N. R. G., 2me Série, viii, 6.

[4] Parl. Papers, 1882, Greece, No. 1; N. R. G. u. s. p. 44.

Greece has received far less territory than she had hoped for, and rather less than she had been led to look upon as her due; but she has received as much as she is likely to be able for the present profitably to assimilate.

TEXTS[1].

No. I[2].

Protocol, No. 1, of the Conference held at the Foreign Office, London, on 3 February, 1830.

Present:

1830. 3 February. THE PLENIPOTENTIARIES OF GREAT BRITAIN, FRANCE, and RUSSIA.

. . . The members of the Conference, finding that the Ottoman declarations place them in a situation to concert the measures which may appear to them most desirable in the actual state of things; and being desirous of introducing into the former arrangements of the Alliance whatever improvements might be best adapted to assure new pledges of stability to the work of peace on which it is employed, decided, by common agreement, upon the following Articles:—

Independence. § 1. *Greece shall form an independent State*[3], and shall enjoy all the rights, political, administrative, and commercial, attached to complete independence.

Frontier. § 2. *In consideration of these advantages granted to the new*

[1] Such portions of the following diplomatic Acts as have ceased to be operative are printed in Italic type.

[2] Parl. Papers, 1830.

[3] Superseded by the Convention of 7th May, 1832 (Texts, No. III), Art. 4; and now by the Treaty of 13th July, 1863 (Texts, No. V), Art. 3.

State, and in deference to the desire expressed by the Porte to obtain the reduction of the frontiers fixed by the Protocol of the 22nd of March, the line of demarcation of the limits of Greece shall take its departure from the mouth of the River Aspropotamos, ascend that river as far as the latitude of Lake Angelo Castro, and traversing that lake, as well as those of Vrachori and Saurovitza, it shall strike the Mount Artolina, from whence it shall follow the ridge of Mount Oxas, the Valley of Calouri, and the ridge of Mount Œta, as far as the Gulf of Zeitoun, which it shall reach at the mouth of the Sperchius.

All the territories and countries situated to the south of this line, which the Conference has marked upon the map hereunto annexed—Lit. F., shall belong to Greece; and all the countries and territories situated to the north of this line shall continue to form part of the Ottoman Empire[1].

Islands. There shall likewise belong to Greece the whole of the Island of Negropont, with the Devil's Islands and the Island of Skyros, and the islands anciently known by the name of Cyclades, including the Island of Amorgo, situated between the 36th and 39th degrees of north latitude, and the 26th degree of longitude east of the meridian of Greenwich.

Government. § 3. The Greek Government shall be monarchical, and hereditary according to the order of primogeniture[2]. It shall be confided to a Prince, who shall not be capable of being chosen from among those of the families reigning in the States that signed the Treaty of the 6th July, 1827[3], *and shall bear the title of Sovereign Prince of Greece*[4]. *The choice of that Prince shall form the object of subsequent communications and stipulations.*

§ 4. *So soon as the Articles of the present Protocol shall have*

[1] Superseded by the 'Arrangement' of 21 July, 1832 (supra, p. 13), which has in its turn been superseded by the Convention of 1881 (Texts, No. XII).

[2] Cf. the Convention of 7 May, 1832 (Texts, No. III), Art. 8, and Explanatory Article (Texts, No. IV); also the Treaty of 13th July, 1863 (Texts, No. V), Art. 3.

[3] During the discussions with reference to the choice of Prince Alfred of England in 1862 it was maintained by Greece that this clause was no longer in force. Cf. supra, p. 21.

[4] Superseded by the Convention of 7 May, 1832, Art. 3, and Treaty of 13 July, 1863, Art. 2.

Peace. *been conveyed to the knowledge of the parties interested, peace shall be considered as established ipso facto between the Ottoman Empire and Greece; and the subjects of the two States shall be reciprocally treated, in regard to the rights of commerce and navigation, as those of other States at peace with the Ottoman Empire and Greece*[1].

§ 5. *Acts of full and entire amnesty shall be immediately published by the Ottoman Porte and by the Greek Government.*

The Act of amnesty of the Porte shall proclaim, that no Greek in the whole extent of its dominions shall be liable to be deprived of his property, or in any way disturbed, in consequence of the part which he may have taken in the insurrection of Greece.

The Act of amnesty of the Greek Government shall proclaim the same principle in favour of all the Mussulmans or Christians who may have taken part against its cause; and it shall further be understood and promulgated, that the Mussulmans who may be desirous of continuing to inhabit the territories and islands allotted to Greece, shall preserve their properties therein, and invariably enjoy there, with their families, perfect security.

Removals. § 6. *The Ottoman Porte shall grant to those of its Greek subjects who may be desirous of quitting the Turkish territory, a delay of a year, in order to sell their properties and to depart freely from the country.*

The Greek Government shall allow the same power to the inhabitants of Greece who may wish to transport themselves to the Turkish territory.

Evacuation. § 7. *All the military and naval forces of Greece shall evacuate the territories, fortresses, and islands which they occupy beyond the line assigned in the second section for the limits of Greece, and shall withdraw behind that line with the least possible delay.*

All the Turkish military and naval forces which occupy territories, fortresses, or islands comprized within the limits above mentioned, shall evacuate those islands, fortresses, and territories; and shall, in like manner, retire behind the same limits with the least possible delay.

[1] An armistice was accordingly proclaimed by the Greeks on 16th April, and the Protocol was accepted by the Porte on 24th April. See Annexes C and F to Protocol No. 29.

§ 8. *Each of the three Courts shall retain the power, secured to it by the 6th Article of the Treaty of the 6th of July, 1827, of guaranteeing the whole of the foregoing arrangements and Articles. The Acts of guarantee, if there be any, shall be drawn up separately; the operation and effects of these different Acts shall become, in conformity with the above-mentioned Article, the object of further stipulations on the part of the High Powers.* No troops belonging to one of the Contracting Powers shall be allowed to enter the territory of the new Greek State, without the consent of the two other Courts who signed the Treaty. Guarantees. Troops of the three Powers.

§ 9. *In order to avoid the collisions, which could not fail to result, under existing circumstances, from bringing Ottoman boundary Commissioners and Greek boundary Commissioners into contact, when the line of the frontiers of Greece comes to be laid down on the spot, it is agreed that that task shall be entrusted to British, French, and Russian Commissioners, and that each of the three Courts shall nominate one. These Commissioners, furnished with the instruction hereunto annexed,—Lit. G., shall settle the line of the said frontiers, following, with all possible exactness, the line pointed out in the second section; they shall mark out that line with stakes, and shall draw up two maps thereof, to be signed by them, of which one shall be given to the Ottoman Government, and the other to the Greek Government. They shall be bound to finish their labours in the space of six months. In case of difference of opinion between the three Commissioners, the majority of voices shall decide.* Delimitation.

§ 10. *The arrangements of the present Protocol shall be immediately communicated to the Ottoman Government by the Plenipotentiaries of the three Courts, who shall be furnished for this purpose with the common instruction hereunto annexed,—Lit. H.*

The Residents of the three Courts in Greece shall also receive, on the same subject, the instruction hereunto annexed—Lit. I.

§ 11. *The three Courts reserve to themselves to embody the present stipulations in a formal Treaty, which shall be signed at London, be considered as executive of that of the 6th of July, 1827, and be communicated to the other Courts of Europe, with the invitation to accede thereto, should they judge it expedient.*

CONCLUSION.

Having thus arrived at the close of a long and difficult negotiation, the three Courts sincerely congratulate themselves on having come to a perfect agreement, in the midst of the most serious and delicate circumstances.

The maintenance of their union during such periods, offers the best pledge of its permanency; and the three Courts flatter themselves that this union, as firm as it is beneficial, will not cease to contribute to the confirmation of the peace of the world.

(Signed) ABERDEEN.
MONTMORENCY-LAVAL.
LIEVEN.

No. II.

Protocol, No. 3, of the Conference held at the Foreign Office, London, on 3 February, 1830.

Present:

1830. 3 February. THE PLENIPOTENTIARIES OF GREAT BRITAIN, FRANCE, and RUSSIA.

The Prince Leopold of Saxe-Cobourg having been called, by the united suffrages of the three Courts of the Alliance, to the Sovereignty of Greece, the French Plenipotentiary requested the attention of the Conference to the particular situation in which his Government is placed, relative to a portion of the Greek population.

Catholics in Greece. He represented that for many ages France has been entitled to exercise, in favour of the Catholics subjected to the Sultan, an especial protection, which His Most Christian Majesty deems it to be his duty to deposit at the present moment in the hands of the future Sovereign of Greece, so far as the provinces which are to form the new State are concerned; but in divesting himself of this prerogative, His Most Christian Majesty owes it to himself, and he owes it to a people who have lived so long under the protection of his

ancestors, to require that the Catholics of the continent and of the islands shall find in the organization which is about to be given to Greece, guarantees which may be substituted for the influence which France has hitherto exercised in their favour.

The Plenipotentiaries of Great Britain and Russia appreciated the justice of this demand; and it was decided that the Catholic religion should enjoy in the new State the free and public exercise of its worship, that its property should be guaranteed to it, that its bishops should be maintained in the integrity of the functions, rights, and privileges, which they have enjoyed under the protection of the Kings of France, and that, lastly, agreeably to the same principle, the properties belonging to the antient French Missions, or French Establishments, shall be recognized and respected.

The Plenipotentiaries of the three Allied Courts being desirous moreover of giving to Greece a new proof of the benevolent anxiety of their Sovereigns respecting it, and of preserving that country from the calamities which the rivalry of the religious therein professed might excite, agreed that all the subjects of the new State, whatever may be their religion, shall be admissible to all public employments, functions, and honours, and be treated on the footing of a perfect equality, without regard to difference of creed, in all their relations, religious, civil, or political [1]. Religious equality.

(Signed) ABERDEEN.
MONTMOREN Y-LAVAL.
LIEVEN.

No. III [2].

Convention between the Courts of Great Britain, France, and Russia on the one part, and the Court

[1] Cf. Art. 5 of Treaty of 14th Nov. 1863, and Art. 4 of Treaty of 29th March, 1864 (Texts, Nos. VII and IX).

[2] Annexe A to Prot. No. 45; N. R. x, 550.

of Bavaria on the other part, relative to the Sovereignty of Greece; signed at London, May 7, 1832.

The Courts of France, Great Britain, and Russia, exercising the power conveyed to them by the Greek Nation, to make choice of a Sovereign for Greece, raised to the rank of an independent State, and being desirous of giving to that country a fresh proof of their friendly disposition, by the election of a Prince descended from a Royal House, the friendship and alliance of which cannot fail to be of essential service to Greece, and which has already acquired claims to her esteem and gratitude, have resolved to offer the Crown of the new Greek State to the Prince Frederick Otho of Bavaria, second son of His Majesty the King of Bavaria.

His Majesty the King of Bavaria, on his part, acting in the character of Guardian of the said Prince Otho during his minority, participating in the views of the three Courts, and duly appreciating the motives which have induced them to fix their choice upon a Prince of his house, has determined to accept the Crown of Greece for his second son the Prince Frederick Otho of Bavaria.

In consequence of such acceptance, and for the purpose of agreeing upon the arrangements which it has rendered necessary, their Majesties the King of the French, the King of the United Kingdom of Great Britain and Ireland, and the Emperor of all the Russias, on the one part, and His Majesty the King of Bavaria on the other, have named as their Plenipotentiaries, viz.:

His Majesty the King of the French, the Sieur Charles Maurice de Talleyrand-Perigord, Prince-Duke de Talleyrand, &c., &c.

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, &c., &c.

His Majesty the Emperor of all the Russias, the Sieur Christopher Prince of Lieven, &c., &c. And the Sieur Adam Count Matuszewic, &c., &c.

And His Majesty the King of Bavaria, the Sieur Augustus, Baron de Cetto, &c., &c.

Who, after having exchanged their full powers, found to be in good and due form, have agreed upon and signed the following Articles:—

Prince Otho to be King of Greece.

ART. I. *The Courts of Great Britain, France, and Russia, duly authorized for this purpose by the Greek nation, offer the hereditary Sovereignty of Greece to the Prince Frederick Otho of Bavaria, second son of His Majesty the King of Bavaria.*

ART. II. *His Majesty the King of Bavaria, acting in the name of his said son, a minor, accepts, on his behalf, the hereditary Sovereignty of Greece, on the conditions hereinafter settled.*

ART. III. *The Prince Otho of Bavaria shall bear the title of King of Greece.*

ART. IV. *Greece, under the sovereignty of the Prince Otho of Bavaria, and under the guarantee of the three Courts, shall form a monarchical and independent State, according to the terms of the Protocol signed between the said Courts, on the 3rd of February,* 1830, *and accepted both by Greece and by the Ottoman Porte.*

The frontier to be determined.

ART. V. *The limits of the Greek State shall be such as shall be definitely settled by the negotiations which the Courts of Great Britain, France, and Russia, have recently opened with the Ottoman Porte, in execution of the Protocol of the 26th of September,* 1831 [1].

ART. VI. *The three Courts having beforehand determined to convert the Protocol of the 3rd of February,* 1830, *into a definite Treaty, as soon as the negotiations relative to the limits of Greece shall have terminated, and to communicate such Treaty to all the States with which they have relations, it is hereby agreed that they shall fulfil this engagement, and that His Majesty the King of Greece shall become a Contracting Party to the Treaty in question* [2].

ART. VII. *The three Courts shall, from the present moment, use their influence to procure the recognition of the Prince Otho*

[1] The continental limits of Greece were accordingly settled by the Arrangement of 21st July, 1832, supra p. 13, which remained in force till the Convention of 1881 (Texts, No. XII).

[2] This was not done.

of Bavaria as King of Greece, by all the Sovereigns and States with whom they have relations.

The descent of the crown.

ART. VIII. *The Royal Crown and dignity shall be hereditary in Greece, and shall pass to the direct and lawful descendants and heirs of the Prince Otho of Bavaria, in the order of primogeniture. In the event of the decease of the Prince Otho of Bavaria, without direct and lawful issue, the Crown of Greece shall pass to his younger brother, and to his direct and lawful descendants and heirs, in the order of primogeniture. In the event of the decease of the last-mentioned Prince also, without direct and lawful issue, the Crown of Greece shall pass to his younger brother, and to his direct and lawful descendants and heirs, in the order of primogeniture*[1].

In no case shall the Crown of Greece and the Crown of Bavaria be united upon the same head[2].

ART. IX. *The majority of the Prince Otho of Bavaria, as King of Greece, is fixed at the period when he shall have completed his twentieth year; that is to say, on the 1st of June,* 1835.

Regency.

ART. X. *During the minority of the Prince Otho of Bavaria, King of Greece, his rights of Sovereignty shall be exercised in their full extent, by a Regency, composed of three Councillors, who shall be appointed by His Majesty the King of Bavaria.*

ART. XI. *The Prince Otho of Bavaria shall retain the full possession of his appanages in Bavaria. His Majesty the King of Bavaria, moreover, engages to assist, as far as may be in his power, the Prince Otho in his position in Greece, until a revenue shall have been set apart for the Crown in that State.*

Engagement to guarantee a loan.

ART. XII. *In execution of the stipulations of the Protocol of the 20th of February,* 1830, *His Majesty the Emperor of all the Russias engages to guarantee, and their Majesties the King of the United Kingdom of Great Britain and Ireland and the King of the French engage to recommend, the former to his Parliament*[3],

[1] Cf. the 'Explanatory Article' (Texts, No. IV).

[2] Cf. the Treaty of 13th July, 1863 (Texts, No. V), Art. 6.

[3] The Statute 2 and 3 Will. IV. c. 121 (16th August 1832) was accordingly passed. It enables the King to guarantee the loan, and directs a statement of receipts and expenditure on account of it to be annually laid before Parliament by the Treasury.

the latter to his Chambers[1], *to enable their Majesties to guarantee, on the following conditions, a loan to be contracted by the Prince Otho of Bavaria, as King of Greece:—*

1. *The principal of the loan to be contracted under the guarantee of the three Powers shall not exceed a total amount of sixty millions of francs.*

2. *The said loan shall be raised by instalments of twenty millions of francs each.*

3. *For the present, the first instalment only shall be raised*[2], *and the three Courts shall each become responsible for the payment of one-third of the annual amount of the interest and sinking fund of the said instalment*[3].

4. *The second and the third instalments of the said loan may also be raised, according to the necessities of the Greek State, after previous agreement between the three Courts and His Majesty the King of Greece*[4].

5. *In the event of the second and third instalments of the above-mentioned loan being raised in consequence of such an agreement, the three Courts shall each become responsible for the payment of one-third of the annual amount of the interest and sinking fund of these two instalments, as well as of the first.*

6. The Sovereign of Greece and the Greek State shall be bound to appropriate to the payment of the interest and

[1] A law was passed on 14th June, 1833, under which the King gave his guarantee, on 9th July, 1833, and subsequently.

[2] A note of 30th August, 1832, from the representatives of the Powers at London, authorized the immediate realization of the two first instalments, amounting to 40,000,000 fr. This sum was advanced at 5 per cent. with 1 per cent as a sinking fund, by Messrs. Rothschild of Paris under a contract signed by King Otho on 12th January, 1833.

[3] Prot. 55 explains that the responsibility of the Powers is not collective for each bond, but separate for one third of the bonds issued for each instalment of the loan.

[4] In June, 1835, the Greek government pressed for the issue of the third instalment. This Great Britain was prepared to authorize, and the Stat. 6 and 7 Will. IV. c. 94 (19th August, 1836) was passed to remove a doubt as to the authority given to the King by the preceding Statute to guarantee one third of such instalment, unless the other Powers also guaranteed their respective shares of it. France and Russia were reluctant to do so; but eventually concurred in guaranteeing the whole instalment to meet successive advances by Messrs. Rothschild, see Prot. Nos. 60, 61, 62, 64, 66, &c.

sinking fund of such instalments of the loan as may have been raised under the guarantee of the three Courts, the first revenues of the State, in such manner that the actual receipts of the Greek Treasury shall be devoted, first of all, to the payment of the said interest and sinking fund, and shall not be employed for any other purpose, until those payments on account of the instalments of the loan raised under the guarantee of the three Courts, shall have been completely secured for the current year[1].

The Diplomatic Representatives of the three Courts in Greece shall be specially charged to watch over the fulfilment of the last-mentioned stipulation.

Compensation to the Porte.

ART. XIII. *In case a pecuniary compensation in favour of the Ottoman Porte should result from the negotiations which the three Courts have already opened at Constantinople for the definite settlement of the limits of Greece, it is understood that the amount of such compensation shall be defrayed out of the proceeds of the loan which forms the subject of the preceding Article*[2].

[1] Such sums as were necessary for the due payment of the interest and sinking fund of the whole loan of 60,000,000 fr. were duly provided by the Powers, in a series of annual payments ending in 1871. The total amount thus paid by Great Britain being £1,351,071 8*s.* 0*d.* The repayments by Greece are still greatly in arrear. In 1847 she paid something over £23,000, and in 1848 something over £7000. In 1857 a commission of representatives of the Powers investigated the state of the finances of the country, and reported on 24th May, 1859 (Parl. Papers, 1860), recommending that Greece should be required to make an annual payment to the three Powers of 900,000 fr. (£36,000). The representatives of those Powers at Athens accordingly announced to the Greek Government in the following year that 'the three protecting Powers have in concert, with all due regard to the wants of the State, fixed the minimum of the sum to be paid at first by Greece towards meeting the charges on the loan, at 900,000 fr.; that sum to be afterwards increased in proportion to the improved state of the Greek finances, at periods to be afterwards determined when the question respecting the sinking fund shall be arranged.' This temporary arrangement, in lieu of the provisions of the Treaty, was accepted by the Greek Government in a note dated 21st June, 1860. Since that date Greece has paid to Great Britain nearly £8000 annually. By the end of 1883 her total repayments amounted to £193,329 0*s.* 6*d.* (see the account of moneys paid and received on account of the Greek loan, presented to Parliament in February, 1884); in addition to which she is also credited with £76,000 being the amount relinquished in her favour by Great Britain, at the rate of £4000 per annum, under the provisions of Art. 6 of the Treaty of 29th March, 1864 (Texts, No. IX), out of the £12,000 per annum payable to that Power under the arrangement of 1860.

[2] Such a compensation, to the extent of 40,000,000 Turkish piastres, was

No. IV[1].

An Article explanatory of, and supplementary to, Article VIII of the Convention signed at London, the 7th of May, 1832, between the Courts of Great Britain, Bavaria, France, and Russia.

1833, 30th April.

The Courts of Great Britain, Bavaria, France, and Russia, recognising the utility of better defining the sense, and of rendering complete the terms of Article VIII of the Convention signed between the said Courts at London on the 7th of May, 1832, have agreed together upon what follows :— The succession to the crown.

SINGLE ART. The succession to the regal Crown and dignity in Greece, *in the branch of Prince Otho of Bavaria, King of Greece, as in the branches of his younger brothers the Princes Luitpold and Adalbert of Bavaria, who have been contingently substituted for the branch of the said Prince Otho of Bavaria, by Article VIII of the Convention of London, of the 7th of May*, 1832, will take place from male to male, in order of primogeniture.

Females shall not be able to succeed to the Greek Crown, except in the event of the total extinction of legitimate male heirs *in all the three branches of the House of Bavaria pointed out above:* and it is understood that, in such case, the regal Crown and dignity in Greece shall pass to the Princess, or to the legitimate descendants of the Princess, who, in the order of succession, shall be the nearest to the last King of Greece.

If the Greek Crown should happen to pass to the head of a female, her legitimate male descendants shall obtain, in their turn, precedence of the female, and shall ascend the throne of Greece in order of primogeniture. In any case, the Greek Crown cannot be united on the same head with the Crown of a foreign country[2].

The present explanatory and supplementary Article shall

agreed upon by Prot. 52 of the Conference (supra p. 19); and a sum of 11,220,598 fr. was accordingly paid to the Porte in 1834, out of the proceeds of the first and second instalments of the guaranteed loan.

[1] Prot. 57, Annexe B.

[2] Cf. the Treaty of 13th July, 1863 (Texts, No. V), Art. 6.

have the same force and value as if it were inserted word for word in the Convention of the 7th of May, 1832. *It shall be ratified, and the ratifications thereof shall be exchanged as soon as possible.*

In faith of which the respective Plenipotentiaries have signed it, and have affixed thereto the Seal of their arms.

Done at London, the thirtieth of April, in the year of our Lord, one thousand eight hundred and thirty-three.

(Signed) A. DE CETTO.
PALMERSTON.
TALLEYRAND.
LIEVEN.

No. V[1].

1863, 13th July. *Treaty between Her Majesty, the Emperor of the French, and the Emperor of Russia, on the one part, and the King of Denmark, on the other part, relative to the Accession of Prince William of Denmark to the Throne of Greece.*

In the name of the Most Holy and Indivisible Trinity.

Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias, being anxious to smooth the difficulties which have occurred in the Kingdom of Greece, placed under their common guarantee, have judged it necessary to come to an understanding with regard to the arrangements to be taken in order to give effect to the wish of the Greek nation, which calls the Prince William of Denmark to the Hellenic Throne.

His Majesty the King of Denmark, on his part, responding to the invitation of their said Majesties, has consented to afford them his co-operation with a view to that result, conformable to the interests of the general peace.

[1] Parl. Papers, 1864, N.R.G., 2 P. 223.

In consequence, their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias, on the one part, and His Majesty the King of Denmark on the other, have resolved to conclude a Treaty, and have for that purpose named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, &c., &c., Her Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of the French, the Sieur John Baptist Louis Baron Gros, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, &c., &c.

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, &c., &c.;

And His Majesty the King of Denmark, the Sieur Torben de Bille, &c., &c., His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty;

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following Articles:—

Prince William of Denmark to be King

ART. I. His Majesty the King of Denmark, in accordance with the Prince Christian of Denmark, acting in the character of guardian of his second son the Prince Christian William Ferdinand Adolphus George, accepts for that Prince, a minor, the hereditary sovereignty of Greece, which is offered to him by *the Senate and*[1] the National Assembly of Greece in the name of the Hellenic nation.

as George I.

ART. II. The Prince William of Denmark shall bear the title of George I, King of the *Greeks*[2].

ART. III. Greece, under the sovereignty of Prince William of Denmark, and the guarantee of the three Courts, forms a monarchical, independent, and constitutional State.

The Ionian Islands to be ceded to Greece,

ART. IV. The limits of the Greek territory, determined by the arrangement concluded at Constantinople between the three Courts and the Ottoman Porte on the 21st of July,

[1] See Prot. of 13th Oct. 1863 (Texts, No. VIII). [2] Ibid.

1832, shall receive an extension by the union of the Ionian Islands with the Hellenic Kingdom, when such union, proposed by the Government of Her Britannic Majesty, shall have been found to be in accordance with the wishes of the Ionian Parliament [1], and shall have obtained the assent of the Courts of Austria, France, Prussia, and Russia [2].

and to be comprised in the guarantee.

ART. V. The Ionian Islands, when their union with the Kingdom of Greece shall have been effected, shall be comprised in the guarantee stipulated by Article III of the present Treaty.

The crowns of Greece and Denmark separate.

ART. VI. In no case shall the Crown of Greece and the Crown of Denmark be united on the same head [3].

ART. VII. In conformity with the principle of the Hellenic Constitution recognized by the Treaty signed at London on

The King's successors to be of the Orthodox faith.

the 20th of November, 1852 [4], and proclaimed by the Decree of the National Assembly of Greece of the 30th of March, 1863, the legitimate successors of King George I must profess the tenets of the Orthodox Church of the East [5].

The King's majority.

ART. VIII. *The majority of Prince William of Denmark, fixed by the law of the Royal family at eighteen years complete, that is to say, on the 24th of December, 1863, shall be considered as attained before that date, if a Decree of the National Assembly should recognize the necessity thereof* [6].

Augumentations of the Civil List:

from the Ionian Islands;

ART. IX. *At the moment when the union of the Ionian Islands with the Hellenic Kingdom shall take place, according to the terms of Article IV of the present Treaty, Her Britannic Majesty will recommend to the Government of the United States of the Ionian Islands to appropriate annually a sum of ten thousand pounds sterling* [7] *to augment the civil list of His Majesty George I, King of the Greeks* [8].

[1] Given by a vote of 19th October, 1863.

[2] Given by the Treaty of 14th November, 1863 (Texts, No. VII).

[3] Cf. Texts, No. IV.

[4] This Treaty provided: (1) that Bavarian Princes, succeeding in default of heirs of King Otho, must profess the faith of the orthodox Church of the East, (2) that Queen Marie-Amélie, if left a widow, is to be Regent. N. R. G. xvii, P. 2, 69.

[5] Cf. the Protocol of 29th March, 1864 (Texts, No. X).

[6] This was done by a Decree of 27th June, 1863.

[7] This appropriation was made by a vote of 19th October, 1863.

[8] See Protocol of 13th October, 1863; and the Treaty of 29th March, 1864. Art. 5 (Texts, No. IX).

ART. X. *Each of the three Courts will give up in favour of Prince William of Denmark four thousand pounds a year out of the sums which the Greek Treasury has engaged to pay annually to each of them, in pursuance of the arrangement concluded at Athens by the Greek Government, with the concurrence of the Chambers, in the month of June,* 1860[1]. from the Powers.

It is expressly understood that these three sums, forming a total of twelve thousand pounds sterling annually, shall be destined to constitute a personal dotation of His Majesty the King, in addition to the civil list fixed by the law of the State[2].

ART. XI. The accession of Prince William to the Hellenic Throne shall not involve any change in the financial engagements which Greece has contracted by Article XII of the Convention signed at London on the 7th of May, 1832, towards the Powers guarantees of the loan[3]. The guaranteed loan.

It is equally understood that the Powers will in concert watch over the execution of the engagement taken by the Hellenic Government in the month of June, 1860, upon the representation of the three Courts[4].

ART. XII. The three Courts shall, from this moment, use their influence in order to procure the recognition of Prince William of Denmark in the character of King of the *Greeks*[5] by all the Sovereigns and States with whom they have relations.

ART. XIII. *His Majesty the King of Denmark reserves to himself to take the measures which may be most proper for facilitating the arrival of King George I in his dominions as soon as possible*[6].

ART. XIV. *The three Courts will bring the present Treaty to the knowledge of the Greek Government, and will afford to that Government all the support in their power, while awaiting the speedy arrival of His Majesty the King.*

[1] Effected by the Treaty of 29th March, 1864, Art. 6 (Texts, No. IX).

[2] Under the Constitution of 28th November, 1864, a Civil List of £40,178 was settled on King George, in addition to the £12,000 released by the Powers.

[3] Vide supra, p. 38 n.

[4] Vide supra, pp. 21, 38 n.

[5] See Protocol of 13th October, 1863 (Texts, No. VI).

[6] The King arrived on 1st October, 1863.

ART. XV. *The present Treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner if possible*[1].

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the thirteenth day of July, in the year of our Lord one thousand eight hundred and sixty-three.

(Signed) RUSSELL.
Bon. GROS.
BRUNNOW.
BILLE.

No. VI[2].

1863, 13th October. *Protocol of Conference held at the Foreign Office, October 13, 1863.*

Present:

THE PLENIPOTENTIARIES OF FRANCE, GREAT BRITAIN, RUSSIA, AND DENMARK.

Modifications of No. V. By the Protocol of the 3rd of August the Plenipotentiary of Russia reserved to himself to announce to his Court the intention of His Majesty King George I to assume the title of King of the Hellenes, instead of that of King of the Greeks, mentioned in Articles II, IX, and XII of the Treaty of the 13th of July.

The Plenipotentiary of Russia now declared that his Court accedes to that change of title, which had already obtained the assent of the two other guaranteeing Powers.

As to the title of the King. In consequence, it was agreed by common consent to substitute in Articles II, IX, and XII the title of King of the Hellenes for that of King of the Greeks.

The Plenipotentiaries deemed it proper to place, moreover, upon record the unanimous accession of their Courts to the further verbal alteration indicated hereinafter.

[1] The ratifications were exchanged at London, on 3rd August.

[2] Parl. Papers, 1864, N. R. G. xviii. 47.

The Decree of the $\frac{18}{30}$th of March, 1863, referred to in Article I, having been issued by the National Assembly only, it was agreed to omit in the text of the said Article the mention of the 'Senate,' whose legislative functions had ceased at the time when the wish of the Hellenic nation called Prince William of Denmark to the Throne of Greece. As to mention of the Senate.

The Plenipotentiaries assembled in Conference recorded by the present Protocol these alterations made, by order of their Courts, in Articles I, II, IX, and XII subsequently to the exchange of the ratifications of the Treaty signed at London on the 13th of July.

The Representatives of the Courts of France, Great Britain, and Russia at Athens will be instructed to bring this Protocol to the knowledge of the Hellenic Government.

(Signed) Bon. GROS.
RUSSELL.
BRUNNOW.
BILLE.

No. VII[1].

Treaty between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, relative to the Ionian Islands. 1863, 14th November.

In the name of the Most Holy and Indivisible Trinity.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland having made known to their Majesties the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, that the Legislative Assembly of the United States of the Ionian Islands, having been duly informed of the intention of Her Majesty to consent to the union of those Islands to the Kingdom of

[1] Parl. Papers 1864; N. R. G. xvii, 2 P., 223.

Greece, has unanimously pronounced in favour of that union[1]; and the condition prescribed by the last clause of the Protocol signed by the Plenipotentiaries of the Five Powers on the 1st of August last[2] being thus fulfilled; their said Majesties, that is to say, the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, have resolved to record in a solemn Treaty the assent which they have given to that union, stipulating at the same time the conditions under which it shall be effected.

For this purpose their said Majesties have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, &c., Her Majesty's Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Count Felix de Wimpffen, &c., Chargé d'Affaires to the Government of Her Britannic Majesty;

His Majesty the Emperor of the French, the Sieur Camille de Nompère de Champagny, Marquis de Cadore, &c., Chargé d'Affaires to the Government of Her Britannic Majesty;

His Majesty the King of Prussia, the Sieur Albert Count de Bernstorff-Stintenburg, &c., His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty;

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, &c.;

Who, after having exchanged their full powers, found in good and due form, have concluded and signed the following Articles:—

Renunciation of Protectorate.

ART. I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland renounces on the conditions hereinafter specified, the Protectorate over the Islands of Corfu, Cephalonia, Zante, Santa Maura, Ithaca, Cerigo, and Paxo, with their dependencies, which, by the Treaty signed at Paris

[1] On 19th October 1863.

[2] Supra, p. 23.

on the 5th of November, 1815, by the Plenipotentiaries of Great Britain, Austria, Prussia, and Russia, were constituted a single free and independent State, under the denomination of the United States of the Ionian Islands, placed under the immediate and exclusive protection of His Majesty the King of the United Kingdom of Great Britain and Ireland, his heirs and successors[1].

Their Majesties the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, accept, on the conditions hereinafter specified, the renunciation by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland of the Protectorate of the Ionian Islands; and, in conjunction with Her Majesty, recognize the union of the said States with the Hellenic Kingdom.

ART. II. *The Ionian Islands, after their union to the Kingdom of Greece, shall enjoy the advantages of a perpetual neutrality; consequently no armed force, either naval or military, shall at any time be assembled or stationed upon the territory or in the waters of those Islands, beyond the number that may be strictly necessary for the maintenance of public order, and to secure the collection of the public revenue.*

Neutralisation.

Exclusion of armed forces.

The High Contracting Parties engage to respect the principle of neutrality stipulated by the present Article[2].

ART. III. *As a necessary consequence of the neutrality to be thus enjoyed by the United States of the Ionian Islands the fortifications constructed in the Island of Corfu and its immediate dependencies, having no longer any object, shall be demolished, and the demolition thereof shall be effected previously to the withdrawal of the troops employed by Great Britain for the occupation of those Islands in her character as Protecting Power. This demolition shall take place in such manner as Her Majesty the Queen of the United Kingdom of Great Britain shall deem*

Fortifications to be demolished.

[1] Supra, p. 23.

[2] The exclusion of armed forces was rescinded, and neutralisation of the islands was restricted to Corfu and Paxo, by a protocol signed by the five Powers, 25th January, 1860; infra, Texts No. VIII. Cf. Art. 2 of the Treaty of 29th March, 1864, between the three Powers and the King of the Hellenes (Texts, No. IX).

sufficient to fulfil the intentions of the High Contracting Parties.

Commercial Treaties.

ART. IV. The union of the Ionian Islands to the Hellenic Kingdom shall not involve any change as to the advantages conceded to foreign commerce and navigation in virtue of Treaties and Conventions concluded by foreign Powers with the Government of Her Britannic Majesty, in her character of Protector of the United States of the Ionian Islands.

All the engagements which result from the said transactions, as well as from the regulations actually in force, shall be maintained and strictly observed as hitherto.

In consequence, it is expressly understood that foreign vessels and commerce in Ionian ports, and, reciprocally, Ionian vessels and commerce in foreign ports, as well as the navigation between Ionian ports and the ports of Greece, shall continue to be subject to the same treatment, and placed under the same conditions, as before the union of the Ionian Islands to Greece[1].

Religious equality.

ART. V. The union of the United States of the Ionian Islands to the Kingdom of Greece shall in no wise invalidate the principles established by the existing legislation of those Islands with regard to freedom of worship and religious toleration; accordingly the rights and immunities established in matters of religion by Chapters 1 and 5 of the Constitutional Charter of the United States of the Ionian Islands, and specifically the recognition of the Orthodox Greek Church as the dominant religion in those Islands; the entire liberty of worship granted to the Established Church of the Protecting Power; and the perfect toleration promised to other Christian communions,—shall, after the union, be maintained in their full force and effect.

The special protection guaranteed to the Roman Catholic Church, as well as the advantages of which that Church is actually in possession, shall be equally maintained; and the subjects belonging to that communion shall enjoy in the

[1] This Article was interpreted by the protocol of the sitting of 25th January, 1864, of the Conference of the five Powers, and is repeated in Art. 3 of the Treaty of 29th March, 1864.

Ionian Islands the same freedom of worship which is recognized in their favour by the Protocol of the 3rd of February, 1830[1].

The principle of entire civil and political equality between subjects belonging to different creeds, established in Greece by the same Protocol, shall be likewise in force in the Ionian Islands[2].

A Treaty to be made with Greece.

ART. VI. *The Courts of France, Great Britain, and Russia, in their character of guaranteeing Powers of the Kingdom of Greece, reserve to themselves to conclude a Treaty with the Hellenic Government with regard to the arrangements which may be rendered necessary by the union of the Ionian Islands to Greece*[3].

The military forces of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland shall be withdrawn from the territory of the United States of the Ionian Islands in three months, or sooner if possible, after the ratification of the said Treaty[4].

ART. VII. *The Courts of France, Great Britain, and Russia engage to communicate to the Courts of Austria and Prussia the Treaty which they shall have concluded with the Hellenic Government in conformity with the preceding Article.*

The Treaty of 1815.

ART. VIII. The High Contracting Parties agree that from and after the coming into operation of the arrangements comprised in the present Treaty, the stipulations of the Treaty of the 5th of November, 1815, concluded between the Courts of Great Britain, Austria, Prussia, and Russia, relative to the United States of the Ionian Islands, shall cease to be in force, with the exception of the clause whereby the Courts of Austria, Prussia, and Russia renounced every right or particular pretension which they might have formed in respect to all or any of those Islands or their dependencies, recognized by the Treaty of the 5th of November, 1815, as forming a single free and independent State under the denomination of the United States of the Ionian Islands. By the present Treaty their Majesties the Queen of the United Kingdom of

[1] Supra, Texts, No. II. [2] Cf. Art. 2 of Texts, No. IX.

[3] This was done by the Treaty of 29th March, 1864 (Texts, No. IX).

[4] Vide supra, p. 24.

Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, renew and confirm the said renunciation in their name, for their heirs and successors.

ART. IX. *The present Treaty shall be ratified, and the ratification shall be exchanged at London in six weeks, or sooner if possible*[1].

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the fourteenth day of November, in the year of Our Lord one thousand eight hundred and sixty-three.

(Signed) RUSSELL.
WIMPFFEN.
CADORE.
BERNSTORFF.
BRUNNOW.

No. VIII[2].

1864, 25th January. *Protocol (A) of Conference held at the Foreign Office, January 25, 1864.*

Present:

THE PLENIPOTENTIARIES OF AUSTRIA, FRANCE, GREAT BRITAIN, PRUSSIA, AND RUSSIA.

The Principal Secretary of State for Foreign Affairs of Her Britannic Majesty having come to an understanding with the Plenipotentiaries of France and Russia, announced that the three Protecting Courts are unanimously of opinion—

Rescision of exclusion of armed forces.

1. That it is not necessary to insist upon the limitation prescribed by Article II of the Treaty of the 14th of November, as to the naval and military forces to be maintained by Greece in the Ionian Islands.

Restriction of neutralisation.

2. That the advantages of neutrality established by the

[1] The Ratifications were exchanged on 2nd January, 1864.

[2] Parl. Papers, 1864, Greece, No. 1; N. R. G. xviii. 60.

same Article in favour of the seven islands shall apply only to the Islands of Corfu and Paxo and their dependencies.

In order to carry out the intention of the signing Powers of the Treaty of the 14th of November, the Principal Secretary of State was of opinion that it would be sufficient to insert in the Treaty to be concluded with Greece an Article in the following terms:—

'The Courts of Great Britain, France, and Russia, in their character of guaranteeing Powers of Greece, declare, with the assent of the Courts of Austria and Prussia, that the Islands of Corfu and Paxo, as well as their dependencies, shall, after their union to the Hellenic Kingdom, enjoy the advantages of perpetual neutrality.'

The Plenipotentiaries of Austria and Prussia gave their adhesion to the two modifications above mentioned, as well as to the wording of the Article as proposed by the Plenipotentiaries of the three Protecting Powers.

(Signed) APPONYI.
LA TOUR D'AUVERGNE.
RUSSELL.
BERNSTORFF.
BRUNNOW.

No. IX[1].

1864, 29th March.

Treaty between Her Majesty, the Emperor of the French, and the Emperor of Russia, on the one part, and the King of the Hellenes on the other part, respecting the Union of the Ionian Islands to the Kingdom of Greece.

In the name of the Most Holy and Indivisible Trinity.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland made known to the Legislative Assembly of the United States of the Ionian Islands that, with a view to the eventual union of those Islands to the Kingdom of Greece, she was prepared, if the Ionian Parliament should

[1] Parl. Papers, 1864; N. R. G. xviii. 63.

express a wish to that effect, to abandon the Protectorate of those Islands, confided to Her Majesty by the Treaty concluded at Paris on the 5th of November, 1815, between the Courts of Great Britain, Austria, Prussia, and Russia. Such wish having been expressed by a vote of the said Legislative Assembly passed unanimously on the $\frac{7}{19}$th October, 1863, Her Britannic Majesty consented, by Article I of the Treaty concluded on the 14th of November, 1863[1], between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, to renounce the said Protectorate under certain conditions specified in that Treaty, and since defined by subsequent Protocols.

On their part, their Majesties the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, consented by the same Article, and under the same conditions, to accept such renunciation, and to recognize, in conjunction with Her Britannic Majesty, the union of those Islands to the Kingdom of Greece.

In virtue of Article V of the Treaty signed at London on the 13th of July, 1863[2], it was moreover agreed by common consent between Her Britannic Majesty and their Majesties the Emperor of the French and the Emperor of all the Russias, that the Ionian Islands, when their union to the Kingdom of Greece should have been effected, as contemplated by Article IV of the same Treaty, should be comprised in the guarantee stipulated in favour of Greece by the Courts of Great Britain, France, and Russia, in virtue of the Convention signed at London on the 7th of May, 1832.

In consequence, and in accordance with the stipulations of the Treaty of the 13th of July, 1863, and with the terms of Article VI of the Treaty of the 14th of November, 1863, whereby the Courts of Great Britain, France, and Russia, in their character of Guaranteeing Powers of the Kingdom of Greece, reserved to themselves to conclude a Treaty with the Hellenic Government as to the arrangements which might become necessary in consequence of the union of the Ionian Islands to Greece, their said Majesties have resolved to pro-

[1] Supra, Texts, No. VII.

[2] Supra, Texts, No. V.

ceed to negotiate with His Majesty the King of the Hellenes a Treaty for the purpose of carrying into execution the stipulations above mentioned.

His Majesty the King of the Hellenes having given his assent to the conclusion of such Treaty, their said Majesties have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, &c., Her Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of the French, the Sieur Godefroy Bernard Henry Alphonse, Prince de la Tour d'Auvergne Lauraguais, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, &c.

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His Actual Privy Councillor, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, &c.

And His Majesty the King of the Hellenes, the Sieur Charilaüs S. Tricoupi, a Representative in the National Assembly of the Hellenes;

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following Articles:—

Renunciation of Protectorate.

ART. I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, desiring to realize the wish expressed by the Legislative Assembly of the United States of the Ionian Islands, that those Islands should be united to Greece, has consented, on the conditions hereinafter specified, to renounce the Protectorate over the Islands of Corfu, Cephalonia, Zante, Santa Maura, Ithaca, Cerigo, and Paxo, with their dependencies, which, in virtue of the Treaty signed at Paris on the 5th of November, 1815, by the Plenipotentiaries of Great Britain, Austria, Prussia, and Russia, were constituted a single free and independent State, under the denomination of 'the United States of the Ionian Islands,' placed under the immediate and exclusive protection of His Majesty the King of the United Kingdom of Great Britain and Ireland, his heirs and successors.

In consequence, Her Britannic Majesty, His Majesty the

Union to Greece.

Emperor of the French, and His Majesty the Emperor of all the Russias, in their character of signing parties to the Convention of the 7th of May, 1832, recognize such union, and declare that Greece, within the limits determined by the arrangement concluded at Constantinople between the Courts of Great Britain, France, and Russia, and the Ottoman Porte on the 21st of July, 1832[1],—including the Ionian Islands,—shall form a monarchical, independent, and constitutional State, under the Sovereignty of His Majesty King George and under the guarantee of the three Courts.

Neutralisation.

ART. II. The Courts of Great Britain, France, and Russia, in their character of guaranteeing Powers of Greece, declare, with the assent of the Courts of Austria and Prussia, that the Islands of Corfu and Paxo, as well as their dependencies, shall, after their union to the Hellenic Kingdom, enjoy the advantages of perpetual neutrality[2].

His Majesty the King of the Hellenes engages, on his part, to maintain such neutrality.

Commercial Treaties.

ART. III. The union of the Ionian Islands to the Hellenic Kingdom shall not involve any change as to the advantages conceded to foreign commerce and navigation in virtue of Treaties and Conventions concluded by foreign Powers with Her Britannic Majesty, in her character of Protector of the Ionian Islands.

All the engagements which result from the said transactions as well as from the regulations actually in force in relation thereto, shall be maintained and strictly observed as hitherto.

In consequence, it is expressly understood that foreign vessels and commerce in Ionian ports, as well as the navigation between Ionian ports and the ports of Greece, shall continue to be subject to the same treatment, and placed under the same conditions, as before the union of the Ionian Islands to Greece[3], until the conclusion of new formal Conventions, or of arrangements destined to regulate between the parties

[1] Supra, p. 13, now superseded by the Convention of 8th April, 1881 (Texts, No. XII).

[2] Cf. supra, note to Art. 2 of the Treaty of 14th November, 1863.

[3] This Article thus far is identical with Art. 4 of the Treaty of 14th November, 1863. What follows is new.

concerned, questions of commerce and navigation, as well as questions relating to the regular service of communication by post.

Such new Conventions shall be concluded in fifteen years, or sooner if possible [1].

ART. IV. The union of the United States of the Ionian Islands to the Kingdom of Greece shall in no wise invalidate the principles established by the existing legislation of those Islands with regard to freedom of worship and religious toleration; accordingly the rights and immunities established in matters of religion by Chapters I and V of the Constitutional Charter of the United States of the Ionian Islands [2], and specifically the recognition of the Orthodox Greek Church as the dominant religion in those Islands; the entire liberty of worship granted to the Established Church of the Protecting Power; and the perfect toleration promised to other Christian communions,—shall, after the union, be maintained in their full force and effect. Religious equality.

The special protection guaranteed to the Roman Catholic Church, as well as the advantages of which that Church is actually in possession, shall be equally maintained; and the subjects belonging to that communion shall enjoy in the Ionian Islands the same freedom of worship which is recognized in their favour by the Protocol of the 3rd of February, 1830.

The principle of entire civil and political equality between subjects belonging to different creeds, established in Greece by the same Protocol, shall be likewise in force in the Ionian Islands [3].

ART. V. The Legislative Assembly of the United States of the Ionian Islands has decreed by a resolution passed on the $\frac{7}{19}$th of October, 1863, that the sum of ten thousand pounds Augmentation of Civil list.

[1] Greece became a party to the General Postal Union of 1874, and the Universal Postal Union of 1878; she has concluded Commercial Conventions with Italy (1877), with Egypt (1884), and probably with some other countries.

[2] The Charter is set out in Brit. and For. State Papers, iv. pp. 647-725. It was ratified 26th August, and communicated to the Assembly 27th November, 1817.

[3] This whole Article is identical with Art. 5 of the Treaty of 14th November, 1863 (Texts, No. VII).

sterling a year shall be appropriated, in monthly payments, to the augmentation of the Civil List of His Majesty the King of the Hellenes, so as to constitute the first charge upon the revenue of the Ionian Islands, unless provision be made for such payment, according to the Constitutional forms, out of the revenues of the Kingdom of Greece[1].

In consequence, His Majesty the King of the Hellenes engages to carry that Decree duly into execution.

Relinquishment by the Powers of part of their claims in favour of the King.

ART. VI. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, and His Majesty the Emperor of all the Russias, agree to relinquish in favour of His Majesty King George I, each four thousand pounds sterling a year, out of the sums which the Greek Treasury has engaged to pay annually to each of them, in virtue of the arrangement concluded at Athens by the Greek Government, with the concurrence of the Greek Chambers, in the month of June, 1860.

It is expressly understood that these three sums, forming a total of twelve thousand pounds sterling annually, shall be destined to constitute a personal dotation of His Majesty King George I, in addition to the Civil List fixed by the law of the State[2]. The accession of His Majesty to the Hellenic Throne shall not otherwise involve any change in the financial engagements which Greece has contracted by Article XII of the Convention of May 7, 1832, towards the Powers guarantees of the loan, nor in the execution of the engagement taken by the Hellenic Government in the month of June, 1860, upon the representation of the three Courts[3].

Treaties and Contracts.

ART. VII. His Majesty the King of the Hellenes engages to take upon himself all the engagements and contracts lawfully concluded by the Government of the United States of the Ionian Islands, or in their name by the Protecting Power of those Islands, conformably to the Constitution of the

[1] Cf. Art. 9 of the Treaty of 13th July, 1863. The existing Constitution of Greece was adopted on 28th November, 1864.

[2] Cf. Art. 10 of the Treaty of 13th July, 1863.

[3] Cf. Art. 11 of the Treaty of 13th July, 1863, and supra, pp. 21, 38 n. By 27 and 28 Vict. cap. 40, the Treasury was authorized to give effect to the relinquishment agreed upon in this Article.

Ionian Islands, whether with foreign Governments, with Companies and Associations, or with private individuals; and promises to fulfil the said engagements and contracts fully and completely, as if they had been concluded by His Majesty or by the Hellenic Government. Under this head are specially included: the public debt of the Ionian Islands; the privileges conceded to the Ionian Bank, to the Navigation Company known under the name of the Austrian Lloyds, in conformity with the Postal Convention of the 1st of December, 1853, and to the Malta and Mediterranean Gas Company.

Pensions to Officials.

ART. VIII. His Majesty the King of the Hellenes promises to take upon himself,—

1. The pensions granted to British subjects by the Ionian Government, in conformity with the rules established in the Ionian Islands respecting pensions.

2. The compensation allowances due to certain individuals actually in the service of the Ionian Government, who will lose their employments in consequence of the union of the Islands to Greece.

3. The pensions which several Ionian subjects are in the enjoyment of, in remuneration of services rendered to the Ionian Government.

A special Convention to be concluded between Her Britannic Majesty and His Majesty the King of the Hellenes shall determine the amounts of these different heads, and shall regulate the mode of their payment[1].

Evacuation.

ART. IX. *The civil authorities and the military forces of Her Britannic Majesty shall be withdrawn from the territory of the United States of the Ionian Islands in three months, or sooner if possible, after the ratification of the present Treaty*[2].

ART. X. *The present Treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner if possible*[3].

In witness whereof the respective Plenipotentiaries have

[1] This was effected by a Convention of 29th March, 1864; supra, p. 24.

[2] The British occupation ceased on 28th May, 1864; cf. supra, p. 24.

[3] The ratifications were exchanged on 25th April, 1864.

signed the same, and have affixed thereto the seal of their arms.

Done at London, the twenty-ninth of March, in the year of our Lord one thousand eight hundred and sixty-four.

(Signed) RUSSELL.
LA TOUR D'AUVERGNE.
BRUNNOW.
CH. TRICOUPI.

No. X[1].

1864, 29th March. *Protocol of the Conference held at the Foreign Office, London, on 29th March, 1864.*

Present:

The orthodox faith. THE PLENIPOTENTIARIES OF FRANCE, GREAT BRITAIN, AND RUSSIA, AND OF THE KING OF THE HELLENES.

The Plenipotentiary of His Hellenic Majesty declared that King George had decided to maintain, in all its integrity, that clause of the Decree concerning his election in virtue of which his legitimate heirs and successors to the throne of Greece must profess the tenets of the Orthodox Church of the East.

The Plenipotentiaries of France, Great Britain, and Russia, resolved to record this present declaration among the Acts of the Conference.

(Signed) LA TOUR D'AUVERGNE.
RUSSELL.
BRUNNOW.
CH. TRICOUPI.

No. XI[2].

1865, 8th April. *Act containing the Accession of the Sultan to the Treaty concluded March 29, 1864, between Great Britain, France, Russia, and Greece, for the*

[1] Parl. Papers, 1864, Greece No. 1; N. R. G. xvii, 48. Cf. Art. 7 of the Treaty of 13th July 1863 (Texts No. V).

[2] Parl. Papers, 1865; N. R. G. xx., 86.

Union of the Ionian Islands to the Kingdom of Greece; and containing also the Acceptance of that Accession by the four Contracting Parties to the Treaty.

In the Name of Almighty God.

Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias, on the one part, and His Majesty the King of the Hellenes on the other part, having concluded between them on the 29th of March, 1864, a Treaty for the union of the Ionian Islands to the Kingdom of Greece: and Their said Majesties, with reference to the Act under date of the 24th of April, 1819[1], whereby the Sublime Ottoman Porte recognised the Protectorate of Great Britain over the Ionian Islands, having proposed to His Imperial Majesty the Sultan to accede to the aforesaid Treaty; and His Imperial Majesty having accepted that proposal, the Plenipotentiaries of the High Powers, that is to say:—

On the part of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable William Stuart, Her Chargé d'Affaires to the Sublime Ottoman Porte;

On the part of His Majesty the Emperor of the French, the Sieur Lionel Marquis de Moustier, &c., Ambassador of His Majesty the Emperor of the French to the Sublime Ottoman Porte;

On the part of His Majesty the Emperor of all the Russias, the Sieur Nicholas Ignatieff, Extraordinary and Minister Plenipotentiary to the Sublime Ottoman Porte, &c.;

On the part of His Majesty the King of the Hellenes, the Sieur Peter Delyanni, His Envoy Extraordinary and Minister Plenipotentiary to the Sublime Ottoman Porte, &c.

And on the part of His Imperial Majesty the Sultan, His Highness Mohammed Emin Aali Pasha, His Minister for Foreign Affairs, &c.;

Met together for the purpose of recording in due form the

[1] Supra, p. 23.

Accession of His Imperial Majesty the Sultan, and the Acceptance of that Accession by the four Courts Parties to the Treaty.

Accession of Sultan to Treaty of 29th March, 1864.

In consequence the Plenipotentiary of His Majesty the Sultan declares, in virtue of his full powers, that the Sublime Porte formally accedes to the above-mentioned Treaty signed at London on the 29th of March, 1864, between Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias, on the one part, and His Majesty the King of the Hellenes on the other part, for the union of the Ionian Islands to the Kingdom of Greece, which Treaty is, word for word, as follows:—

[Here the Treaty is set out.]

Acceptance thereof.

The Plenipotentiaries of Great Britain, France, Russia, and Greece, in virtue of their full powers, formally accept, in the name of their respective Courts, the said Accession of the Sublime Ottoman Porte.

The present Act of Accession and Acceptance shall be ratified, and the acts of ratification thereof shall be exchanged at Constantinople in two months from this date, or sooner if possible [1].

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Constantinople, the eighth day of April, in the year of our Lord one thousand eight hundred and sixty-five.

(Signed) W. STUART.
MOUSTIER.
N. IGNATIEFF.
P. DELYANNI.
AALI.

No. XII [2].

1881, 24th May. *Convention between Her Majesty, the German Emperor, the Emperor of Austria, the President of*

[1] The ratifications were exchanged on 15th June, 1865.

[2] Parl. Papers, 1881, Greece, No. 7; N. R. G. 2me Série, vi. 753.

the French Republic, the King of Italy, the Emperor of Russia, and the Sultan, for the Settlement of the Frontier between Greece and Turkey.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; the President of the French Republic; His Majesty the King of Italy; and His Majesty the Emperor of all the Russias, exercising the mediation contemplated by Article XXIV of the Treaty signed at Berlin on the 13th July, 1878[1], of the one part; and His Majesty the Emperor of the Ottomans, of the other part; being equally animated by the desire to regulate, in the interest of European order, the questions relative to the rectification of the Turco-Greek frontiers, have determined to conclude a Convention destined to give a definitive solution to this question.

Their said Majesties and the President of the French Republic have, to this effect, appointed as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: the Right Honourable George J. Goschen, Her Special Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of the Ottomans;

His Majesty the German Emperor, King of Prussia: Paul, Count de Hatzfeldt Wildenburg, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of the Ottomans;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary: Henry, Baron Calice, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of the Ottomans;

The President of the French Republic: Charles Tissot, Ambassador of the French Republic at the Court of His Majesty the Emperor of the Ottomans;

[1] Supra, p. 25; infra, chap. vi.

His Majesty the King of Italy : Louis, Count Corti, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of the Ottomans ;

His Majesty the Emperor of all the Russias : Eugène Novikow, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of the Ottomans ;

And His Majesty the Emperor of the Ottomans : Mahmoud Server Pasha, President of his Council of State ; the Mushir Ghazi Ahmed Moukhtar Pasha, President of the Commission of Inspection of Military Reforms ; the Mushir Aly Nyzami Pasha ; Artin Effendi Dadian, Under-Secretary of State in the Department for Foreign Affairs ;

Who, furnished with the necessary powers, have agreed to the following Articles :—

The new frontier.

ART. I. The new frontiers of Turkey and Greece are fixed as follows :—

The new frontier-line starting from a point near the defile of Karalik-Dervend, between the mouth of the Salamvrias and Platamona, about 4 kilom. to the south of the latter point, follows in a westerly direction the crest of the mountains, passes first between Krania and Avarnitza, then between Nezeros and Analipsis, arrives at the summit of Mount Godaman, then descends towards the south, following the crest of Olympus, reaches the summit of Kokkinopetra, and, taking a westerly direction from this point without leaving the same crest, passes between Ligara and Derveni-Melona, and arrives at the summit of Mount Kritiri. Thence turning towards the south the line gains the right bank of the Xeraghis, and, following the line of watershed towards the south-west, gains the summit of the heights situated to the north of the village of Zarko, then turns to the north-west in the direction of Diminitza and keeps to the line of watershed, leaving to Turkey the village of Elevtherokhorion. Before reaching Diminitza, at a distance of about 18 kilom. from that place, the frontier-line turns towards the west, still on the line of watershed, and passes by the villages of Flamouristi, Gavronon, and Georgitza to the summit of Mount Kratchovo. Then turning southwards by the crest, it passes by the summits of Mount Zygos, Dokini, and Peristeri, and gains the River

Arta, following the stream which carries off by the shortest way the rainfall from the summit of Mount Peristeri to this river, and passing near the villages of Kalarrhytes and Mikalitzi. Beyond these last points the line follows the thalweg of the River Arta to its mouth.

Delimitation. *This delimitation will be fixed on the spot by a Commission composed of the Delegates of the Six Powers and of the two parties interested.*

The Delimitation Commission will pass their Resolutions by a majority of votes, each power having but one vote.

It should meet within eight days after the ratification of the present Convention, or sooner if possible, so as to commence its labours[1].

Punta. ART. II. Punta and its territory, as it was determined by the first Article of the Act signed at Constantinople on the 21st July, 1832[2], will be ceded to Greece.

Gulf of Arta. All the fortifications commanding the entrance to the Gulf of Arta, both on the side of Prevesa as well as on that of Punta, *will be disarmed within three months after the signature of this Convention*[3], and will remain disarmed in time of peace between the two States.

The navigation of the Gulf of Arta will be free.

Inhabitants of ceded territory. ART. III. The lives, property, honour, religion, and customs of those of the inhabitants of the localities ceded to Greece who shall remain under the Hellenic administration will be scrupulously respected. They will enjoy exactly the same civil and political rights as Hellenic subjects of origin.

Property. ART. IV. The rights of property on the farms, as well on the pasturages, meadows, grazing grounds ('kechlak'), forests, and every kind of lands or other real estate, held by private individuals and communes in virtue of firmans, hodjets, tapous,

[1] This Commission, on which Major Ardagh was the British representative, held its sittings partly in Greece and partly at Constantinople, from 6th July to 28th November, when its final Protocol was signed, the Turkish Commissioner signing under reserve as to four points in the new frontier (Parl. Papers, 1882, Greece, No. 1; N. R. G. 2me Série, viii. 44). The questions thus left outstanding were eventually disposed of by a Protocol signed on behalf of Turkey and Greece in November, 1882. Cf. supra, p. 27.

[2] Supra, p. 14.

[3] This had been done by the beginning of November, 1881.

and other titles, or else by the Ottoman law, in the district ceded to Greece, will be recognized by the Hellenic Government.

The titles of property called vacoufs, which serve to keep up the mosques, colleges, schools, and other pious or charitable institutions, will be equally recognized.

Estates of the Sultan.

ART. V. His Majesty the Sultan shall be enabled, as in the past, to dispose of the Imperial estates, the revenues of which are collected on behalf of His Majesty or of the Imperial family.

In the case of the nature and destination of these properties being contested, the question shall be submitted to the examination of the Commission of which the appointment is contemplated by Article IX of the present Convention, and, eventually, according to the terms of the said Article, to the decision of the Mediating Powers.

Expropriation.

ART. VI. No one may be deprived of his property except for some object of public utility, duly established, in the cases and in the manner provided by law, and in exchange for a fair and prepaid compensation.

No landlord shall be obliged to sell his goods to the cultivators of the soil or to third parties, nor to hand over any portion of them; nor shall any alteration be introduced into the relations between landlords and the cultivators of the soil, except by a general law, applicable to the whole Kingdom.

Land-owners settled outside the Kingdom, and possessing real property in the ceded territories, may let their lands under a lease, or have them administered through third parties.

Pasturage.

ART. VII. The inhabitants of the provinces bordering on the territories ceded to Greece, who have been for a long time in the habit of sending their flocks to the meadows and pasture lands, as well as on to the farms situated within those territories, shall continue to enjoy these privileges as in the past.

Religious freedom.

ART. VIII. Freedom of religion and of public worship is secured to Mussulmans in the territories ceded to Greece.

No interference shall take place with the autonomy or hier-

archical organization of Mussulman religious bodies now existing, or which may hereafter be formed; nor with the management of the funds and real property belonging to them.

No obstacle shall be placed in the way of the relations of those bodies with their spiritual heads in matters of religion.

The local Courts of the Chéri shall continue to exercise their jurisdiction in matters purely religious.

Controversies.

ART. IX. A Turco-Hellenic Commission shall be entrusted with the settlement, within two years, of all matters concerning the property of the State, as well as of questions relating to the interests of private individuals, who may happen to be connected with them.

This Commission will have to decide on the indemnity which Greece is to pay to Turkey from the lands which shall be admitted to belong bonâ fide to the Ottoman Government, and to fix the annual revenue to be paid on them.

Those questions on which an understanding cannot be come to shall be submitted to the decision of the Mediating Powers.

Share of Ottoman debt.

ART. X. Greece shall bear a part of the Ottoman Public Debt proportionate to the revenues of the ceded territories. This portion shall be determined ultimately between the Sublime Porte and the Representatives of the Mediating Powers at Constantinople[1].

Disarmament.

ART. XI. No exclusive and exceptional measure of disarmament shall be taken with regard to Mussulmans.

Brigandage.

ART. XII. The Hellenic Government shall propose to the Chamber a Law for the renewal of the Convention of 1856 (1272), relating to the suppression of brigandage.

Removal.

ART. XIII. *The natives of the territories ceded to Greece, or persons actually domiciled in these provinces, who intend to retain Ottoman nationality, shall, for the space of three years from the exchange of the ratifications, and by a preliminary declaration made before a competent authority, enjoy the right of transferring their residence into the Ottoman Empire, and of establishing*

[1] Down to the end of 1884 no steps appear to have been taken towards carrying out the provisions of Arts. IX and X.

themselves there, in which case they shall retain their character of Ottoman subjects.

Those persons emigrating within the above-mentioned period of three years shall continue to enjoy the privilege stipulated for in the third paragraph of Article VI of the present Convention in favour of proprietors settled outside the limits of the Kingdom.

During the same period of three years Mussulmans shall not be liable to military service.

Arrears of taxes.

ART. XIV. The Commission created in virtue of Article IX of the present Convention is entrusted with the settlement, within the shortest period possible, of the questions relating to arrears of taxes due to the Ottoman Government in the ceded territories, as well as those which might arise from the collection of the taxes during the current year.

Evacuation.

ART. XV. *The details of the evacuation and transfer of the ceded territories are settled in a separate Act, which is, and remains, annexed to the present Convention, and will have the same force and value as if it formed part of it.*

The Imperial Ottoman troops are bound to evacuate the ceded territories within the period fixed by this Act.

The Imperial Ottoman Government will, however, endeavour to shorten that period as far as possible.

Technical Commissioners

ART. XVI. *It is understood that the Mediating Powers reserve to themselves the power to appoint Technical Commissioners for the purpose of superintending the operations connected with the cession of the territories*[1].

Amnesty.

ART. XVII. *A full and entire amnesty shall be granted by Turkey and Greece to all persons implicated or compromised in political events anterior to the present Convention, and relating to the question which is settled by it.*

ART. XVIII. *The Convention concluded this day between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, &c., Apostolic King of Hungary; the President of the French Republic; His Majesty the King of Italy; His Majesty*

[1] See Art. III of Annexe.

the Emperor of all the Russias; and His Majesty the Emperor of the Ottomans shall be immediately followed by the stipulation of a Convention, containing the same provisions, between His Majesty the Emperor of the Ottomans and His Majesty the King of the Hellenes[1].

A Convention between Turkey and Greece.

ART. XIX. *The present Convention shall be ratified and its ratifications exchanged at Constantinople within three weeks, or sooner, if possible*[2].

In witness whereof, the respective Plenipotentiaries have signed it and have affixed thereto the seal of their arms.

Done at Constantinople, the twenty-fourth day of May, in the year one thousand eight hundred and eighty-one.

(Signed) GEORGE J. GOSCHEN.
v. HATZFELDT.
CALICE.
TISSOT.
L. CORTI.
NOVIKOW.
SERVER.
MOUKHTAR.
ALY.
ARTIN DADIAN.

Annexe.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, &c., Apostolic King of Hungary; the President of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of all the Russias; and His Majesty the Emperor of the Ottomans, being desirous of settling the details and the mode of evacuation, and of the taking possession of the territories ceded to Greece in virtue of the Convention signed this day, have resolved with this view to sign a separate Act in accordance

[1] Such a convention was signed accordingly on 2nd July, 1881. Parl. Papers, 1882, Greece, No. 2; N. R. G. 2me Série, vi., 753.

[2] The ratifications were exchanged on 14th June, 1881.

with the terms of Article XV of the said Convention, and have to this effect appointed :—

[Names as in the Principal Convention.]

Who, furnished with the necessary powers, have agreed to the following Articles :—

Evacuation.

ART. I. *The territories to be ceded to Greece are divided into six sections, in accordance with the indications marked upon the annexed map.*

ART. II. *The evacuation of one of these sections shall take place within three weeks from the date fixed for the exchange of the ratifications of the Convention signed this day.*

Four other sections shall be completely evacuated within three months from the same date.

The sixth section, which comprises Volo, and constitutes the only means of exit by which the Ottoman Government can remove its war material, shall be evacuated during the two following months, that is to say, within the whole period of five months from the date fixed for the exchange of the ratifications of the Convention[1].

It is understood that these various periods shall be abridged if possible.

The Ottoman authorities will draw up an inventory of that portion of the war material which cannot be removed during the said period of five months.

ART. III. *The Mediating Powers will name Military Delegates, who will constitute a Commission, destined to act as intermediary, for the evacuation by the Ottoman authorities, and the taking over by the Hellenic authorities of the ceded territories.*

This Commission will exercise a general supervision over the evacuation and occupation of the ceded territories. It will intervene for the purpose of establishing an agreement between the Commanders on both sides, both as regards the military movements on either side, the fixing the distance which must always divide the troops of the two Powers, and the period which must elapse between the evacuation and the taking over of the different points to be ceded[2].

[1] The Greek troops entered the first section (Arta) on 6th July, and the cession of the sixth (Volo) was completed on 13th November.

[2] This Commission, on which Major Ardagh was the British representative

ART. IV. *It will be the duty of the Ottoman and Greek authorities to afford aid and protection to this Commission during the accomplishment of its mission.*

ART. V. The present Act forms an integral part of the Convention signed this day at Constantinople, and will have the same force and value. In witness whereof the respective Plenipotentiaries have signed it, and have affixed thereto the seal of their arms.

Done at Constantinople, the twenty-fourth day of the month of May, one thousand eight hundred and eighty-one.

(Signed) GEORGE J. GOSCHEN.
v. HATZFELDT.
CALICE.
TISSOT.
L. CORTI.
NOVIKOW.
SERVER.
MOUKHTAR.
ALY
ARTIN DADIAN.

arrived on 30th June at Prévésa, and its final Act was signed at Volo on 14th November. Parl. Papers, 1882, Greece, No. 1.

CHAPTER III.

SAMOS AND CRETE.

1830–1878.

The intervention of the Powers requested.

Prince Leopold, in his letter of 11th February, 1830, accepting the throne of Greece, submitted to the Conference of London his hope:—

> That the Greek inhabitants of the Islands of Candia and Samos, who are to be restored to the Porte, may have their civil and religious position fixed and ameliorated by the intercession of the High Powers, as well as by a liberal application of the Treaty of the 6th of July, that they may be secure from all vexation, and protected against all acts calculated to lead to an effusion of blood[1].

The reply of the Powers.

The reply of the Conference is contained in its Protocol of 20th February to the following effect:—

> The allied Powers cannot admit the right of intervention of the Sovereign Prince of Greece, in regard to the manner in which the Turkish Government exercises its authority in Candia and Samos. These islands are to remain under the dominion of the Porte, and are to be independent of the new Power which it has been agreed to establish in Greece. However, the allied Powers hasten to declare to Prince Leopold, for the personal satisfaction of His Royal Highness, that in virtue of the engagements which they have contracted by common agreement, they consider themselves bound to assure to the inhabitants of Candia and Samos security against all molestation, on account of the part which they may have taken in antecedent troubles. In case the Turkish authority should be exercised in a manner offensive to humanity, each of the allied Powers, without however entering into a special and formal engage-

[1] Prot. No. 26; Annexe B.

ment to that effect, would deem it its duty to interpose its influence with the Porte, in order to assure to the inhabitants of the above mentioned islands, protection against arbitrary and oppressive acts[1].

Note of the Powers to the Porte.

These views were communicated to the Porte in a note signed on 8th April, 1830, by the representatives of the three Powers at Constantinople, to the following effect:—

> The allied Courts feel themselves bound to secure the inhabitants of Candia and Samos against any molestation whatever, on account of the part which they have taken in the late disturbances. This security the allied Courts claim for them from the Sublime Porte, requiring that it shall be founded on specific regulations, which either recognising their ancient privileges, or granting to them such others as experience shall have proved to be necessary, will afford to the people of those islands an efficient protection against arbitrary or oppressive acts. The three Cabinets trust that the Sublime Porte, in its enlightened wisdom, will itself be convinced that, considering the relations of near neighbourhood and religion which connect the subjects of the new State, a mild and equitable administration will be the surest means of establishing its dominion upon a firm basis[2].

The subsequent fortunes of the two islands have been somewhat dissimilar.

SAMOS.

Note of the Porte to the Powers.

The Samians, having, on the advice of the three Powers, submitted to the Sultan, the Porte, on 10th December, 1832, addressed to the representatives of those Powers a note setting out the terms of the constitution which it was proposed to grant to the island[3]. In February, 1833, Stephen Vogorides was sent to Samos as prince under the new constitution; but the insurrection broke out again in the following May, in spite of the exhortations of commissioners sent by the three

[1] Prot. No. 26.

[2] Prot. No. 29; Annexe B. The Porte accepted generally the terms contained in this letter, in a note of 24th April, 1830, q. v. Prot. No. 29, Annexe C. Cf. Prot. No. 37.

[3] Infra, Texts, No. I.

Powers to advise submission, and was suppressed only by the appearance of the Turkish fleet off Vathy. In December, 1834, the Porte issued a Firman in accordance with the terms of the note of 10th December, 1832[1], and the three Powers announced that, should it not be accepted within three months, their mediation would be withdrawn, Samos would lose its right to a separate flag, and its inhabitants would be exposed to 'the disastrous consequences of a rash resistance to the commands of the Grand Signor[2].'

The Organic Law.

Disturbances again occurred in the autumn of 1835, but resistance soon ceased, and the island has since lived under the constitution which had been secured to it by the intervention of the Powers.

Crete.

Crete under Mehemet Ali.

At the time when it was decided by the Powers that Crete should remain a part of the Ottoman Empire, the insurrection was still in progress, and its suppression was by no means an easy task. The Sultan was therefore not sorry to hand over the business to Mehemet Ali, the Pasha of Egypt, who was accordingly invested with the governorship of the island, partly by way of reward for his services in the matter of Greece, partly in consideration of a present to his suzerain of 20,000,000 Turkish piastres. In October, 1830, an Egyptian army landed in Crete, and by the spring of the following year had reduced it to subjection. It has since remained a discontented Turkish province, breaking out into revolt in 1833, in 1840, after the forced resignation of Mehemet Ali, in 1859, and notably in 1866–8. On the last mentioned occasion the

[1] q. v. infra, Texts, No. II. A Regulation was issued at the same time with reference to the Samian flag.

[2] Recueil des traités de la Porte Ottomane depuis 1536 jusqu' à nos jours, ii. p. 399. The privileges of a Christian governor and of a separate flag had been granted in 1830. Cf. Rosen, Geschichte der Türkei, p. 129; Herzberg, Geschichte Griechenlands, iv. p. 664.

Great Powers took some steps towards mediating between the Porte and its dependency, and though they eventually declined any further responsibility in the matter[1], it was through their influence that the Sultan was induced, in the course of the autumn of 1867 and the spring of 1868, to grant to the island, by way of constitution, an Organic Law, which in its completed form was read to the General Assembly on 15th February of the latter year[2]. The Organic Law of 1868.

The Cretans remained dissatisfied, and stated their grievances to the Conferences held at Paris in 1869[3], and at Constantinople in 1876[4].

By Article 23 of the Treaty of Berlin, 'The Porte undertakes scrupulously to apply in the Island of Crete the Organic Law of 1868, with such modifications as may be considered equitable[5].' The Treaty of Berlin.

A Firman embodying certain modifications of the Law was accordingly drafted, after conferences between the Sultan's Commissioners and the Cretan Assembly, and was taken out to Crete by the new governor-general, Carathéodory Pasha, towards the end of November 1878[6]. On the 14th of that month it had been laid on the table of the Commission for framing a constitution for Eastern Roumelia; a step which was, however, thought by the representatives of the Powers not to be required by the Treaty[7]. The modifications of 1878.

[1] Parl. Papers, 1867, Crete. In January 1868 the representatives at Athens of Great Britain, France, Austria, and the Porte, successfully protested against the admission of Candiote deputies to the Greek chamber.

[2] Parl. Papers, 1868, Crete, pp. 66, 97; Législation Ottomane, ii. 169 (infra, Texts, No. III).

[3] Parl. Papers, 1869; N. R. G. xviii. 80.

[4] Parl. Papers, 1877, Turkey, No. 2, p. 203.

[5] Infra, chapter VI.

[6] Parl. Papers, 1879, Turkey, No. 3 (Texts, No. IV).

[7] Ibid.

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TEXTS.

No. I[1].

1882. 10th Dec. *Note of the Sublime Porte to the representatives of France, Great Britain, and Russia, with reference to the organisation of a local administration for the government of the island of Samos, 10 Dec. 1832.*

La Sublime Porte accorde aux habitants de l'île de Samos, qui fait partie des États héréditaires de S. M. le Sultan Mahmoud Khan, à condition qu'ils soient dorénavant sujets fidèles de l'Empire Ottoman, les concessions suivantes:

1. *S. M. accorde aux Samiens amnistie pleine et entière. Aucun d'eux ne sera recherché pour sa conduite passée, et leurs personnes ainsi que leurs biens sont assurés.*

Administrative Council. 2. L'autorité intérieure de l'île résidera dans un Conseil composé de membres choisis, suivant l'usage, parmi les notables du pays. Ce Conseil aura l'administration générale de l'île; il réglera les diverses branches de cette administration, et décidera librement les questions relatives à l'exercice du culte, au commerce et à la réparation des églises.

Prince. 3. La présidence du Conseil appartiendra au chef nommé par la Sublime Porte avec le titre de prince de Samos, qui sera de la religion des Samiens, et qui pourra nommer un substitut professant la même religion que lui. Mais, lorsque ce chef sera dans le cas de se rendre en personne à Samos, il lui sera adjoint, pour l'y accompagner, un efendi choisi parmi les employés civils, afin de constater la manière d'être des habitants et l'état du pays, et d'en faire un rapport à la Sublime Porte.

his powers. 4. Le chef de l'île délivrera aux bâtiments et aux bateaux Samiens les expéditions dont ils auront besoin pour naviguer, et les revenus qui en résulteront seront considérés comme

[1] Législation Ottomane, par Aristarchi Bey, ii. p. 145; Baron de Testa, Recueil des traités de la Porte Ottomane, depuis 1536 jusqu' à nos jours, ii. p. 399.

faisant partie des droits spéciaux de sa charge. Il entrera dans les attributions de ce chef de permettre le séjour des étrangers à Samos ou de les en faire renvoyer au besoin par le moyen de la police locale, bien entendu qu'il n'en résultera aucune atteinte aux privilèges garantis par les traités de la Sublime Porte avec les Puissances. En outre, dans toutes les déliberations du Conseil sur les relations extérieures, ce chef conservera le droit de veto.

5. Il n'y aura absolument pas de troupes dans l'île de Samos. Les Samiens payeront directement à la Sublime Porte en tout et par tout, un khaïradj annuel de 400,000 piastres. Troops excluded. Tribute.

6. *Des députés Samiens viendront se présenter à Constantinople pour mettre aux pieds du trône de S. M. impériale l'hommage de la soumission et de la reconnaissance des Samiens.*

7. *Les bases d'où découlent, avec le pardon des habitants de Samos, les bienfaits de l'organisation donnée à leur île, qui est encore en désordre, seront annoncées et communiquées aux Samiens comme terme final.*

8. Le métropolitain de Samos sera, comme autrefois, nommé par le patriarche Grec de Constantinople. Metropolitan.

Telles sont les concessions que la Sublime Porte a jugé à propos de faire, et qui sont arrêtées, nos amis, les représentants des trois cours, y ayant donné leur assentiment.

La présente note officielle est, en conséquence, remise à MM. les représentants de France, de la Grande Brétagne et de Russie.

No. II[1].

ΥΨΗΛΟΝ ΑΥΤΟΚΡΑΤΟΡΙΚΟΝ ΦΕΡΜΑΝΙΟΝ

1834. ἤτοι

ΟΡΓΑΝΙΚΗ ΔΙΑΤΑΞΙΣ

Ἡ ἐκδοθεῖσα τῷ ἔτει 1834 καὶ περιέχουσα τὰ χορηγηθέντα τοῖς Σαμίοις προνόμια.

Ἐπειδὴ ἡ ὑπερτάτη θέλησις τοῦ ἔχοντος ὑποτεταγμένα τὸν οὐρανὸν καὶ τὴν γῆν, Ὑψίστου καὶ Παντοδυνάμου Θεοῦ, κ. τ. λ.

(Translation).

Sublime Imperial Firman, or Organic Law, issued in the year 1834, and comprehending the privileges granted to the Samians.

Since the most exalted will of the Most High and Omnipotent God, who holds in subjection Heaven and Earth, whose glory and height be worshipped in every time and place, having united in our sacred person, as his vicar for the time being, the qualities of justice and greatness, has assigned to us the highest grade among the sovereigns of the earth, and of his boundless goodness having vouchsafed to us all noble and highborn perceptions, and a heart self-moved towards benevolence and philanthropy, has ordained that the threshold of our Sublime Porte, like him who ordained it, shall be the refuge of the peoples and the fountain of their hopes and wishes.

Wherefore it is regarded as our imperial duty, knowing the benefits of the divine prescience, that we should be always disposed to consecrate our care and solicitude to the shielding and protection of our faithful subjects, who accurately fulfil the duties of obedience and submission to our Sublime Porte, and to provide for them quiet and safety under the life-giving shadow of our power.

[1] Σαμιακὴ νομοθεσία, ἐν Σάμῳ, ἐκ τοῦ ἡγεμονικοῦ τυπογραφείου, 1875, τεῦχος Α', p. 8. I am indebted for a copy of this work to the great courtesy of M. Epaminondas Frangoulis, President of the Court of Appeal of the island, acting on the request of my friend M. Saripolos, of Athens.

Whence, although the inhabitants of the Island of Samos which is a part of our hereditary and imperial dominions, in the period lately past have ventured, yielding to human weakness, upon certain transgressions, in contravention of their due and fitting obedience, nevertheless, influenced by the mediation which has taken place on their behalf, and impelled by equity, we grant to them the following favours, upon condition that they shall for the future be faithful subjects of our sublime might:

[Here follow clauses numbered A′ to H′, which are identical with the clauses numbered 1 to 8 in the Note of 10th December, 1832 (Texts, No. I).

The Firman concludes with a eulogy of its bearer, Prince Stephen Vogorides, who had been nominated Prince (Ἡγεμὼν) of Samos, but is always to govern in accordance with the Organic Law.]

[An *αὐτοκρατορικὸς ὁρισμὸς*[1], of the same year with the preceding Firman, grants to Samian merchant vessels a distinctive flag, the upper portion of which is to be red, the lower to exhibit a cross on a blue ground.—*Τῆς ὁποίας τὸ ἄνω μέρος εἶνε ἐρυθροῦν καὶ τὸ κάτω κυανοῦν μὲ Σταυρόν.*]

No. III[2].

1868. 15 Ramazan.

Firman providing an Organic Law, &c., for the Island of Crete, 1868.

À Mon Vézir Husseïn Avni Pacha, investi du commandement de mes troupes Impériales en Crète et en même temps du Gouvernement Général de cette île, et décoré de mes Ordres Impériaux de l'Osmanié et du Médjidié de première classe; à Pertew, Moustapha, Sawas et Costaki Pachas, jouissant du rang de Roumélie-beylerbey et Gouverneurs des

[1] *Σαμιακὴ νομοθεσία, τεῦχος* A′, p. 11. This volume also contains Firmans of 1835, 1839, 1850, and 1861, which in some particulars modify the Organic Law of 1834.

[2] Parl. Papers, 1868, Crete, p. 66.

Arrondissements de Candie, de Réthimo, de Sphakia, et de Lassithe, et aux Sous-Gouverneurs de l'Ile de Crète.

Les pertes et les souffrances éprouvées par la Crète et qui ont été la triste conséquence des désordres survenus dans cette île ont rempli notre cœur d'affliction. Désirant avant toute chose remédier à ces maux, règler l'administration ultérieure de l'île, et assurer à tous habitants indistinctement le bien-être et la prospérité, sous tous les rapports, nous avons décidé *qu'à partir du* 1 *Mars de l'année prochaine* (1868) *et pour la durée de deux années consécutives, il sera fait grâce à tous les habitants de l'île de la dîme de tous les produits soumis à cet impôt; qu'à l'expiration de ces deux années de complète exemption de la dîme, il sera perçu, à partir du* 1 *Mars*, 1870, *également pendant deux ans en lieu et place de la dîme, une moitié de dîme, soit* 5 *pour cent, dont le produit doit être affecté aux améliorations qui seront indiquées, comme les plus favorables aux intérêts commerciaux et agricoles de l'île, par l'Assemblée Générale qui, élue par toute la population, doit se réunir chaque année au chef-lieu du vilayet.*

Payments in lieu of military service.

Tous nos sujets ayant un égal titre à notre sollicitude, nous avons, en outre, décidé que les habitants Chrétiens de Crète seront exemptés de la contribution pour le rachat du service militaire, aussi longtemps que la population Musulmane de l'île sera exempte de ce service; et qu'il sera donné suite aux

Taxes.

vœux exprimés, concernant certains impôts, dans l'adresse présentée par les délégués Musulmans et Chrétiens qui se sont réunis à la Canée, conformément aux dispositions de notre Firman Impérial émané à ce sujet.

Nous avons également décrété les dispositions suivantes formant le Règlement Organique qui se trouve annexé à notre Ordonnance Impériale adressée à notre Grand Vézir, en date du 2 Djémazi-ul-sanié de l'année courante, et qui, revêtu de notre écriture Impériale, a été promulgué dans l'île.

Règlement Organique.

The Vali.

The commander-in-chief.

1. L'Administration Générale de l'Ile de Crète sera confiée à un Vali (Gouverneur-Général) nommé par Sa Majesté Impériale le Sultan, et le commandement des forteresses

Impériales, ainsi que des troupes de l'île, à un Commandant-en-chef.

2. Les postes de Vali et de Commandant seront indépendants l'un de l'autre ; il appartiendra, toutefois, à Sa Majesté Impériale le Sultan de réunir, en cas de besoin, les fonctions du Vali à celles du Commandant.

3. Le Vali administre l'île conformément aux lois générales de l'Empire et aux règlements particuliers qui se rapportent à l'île.

Le Vali sera assisté de deux Conseillers nommés par ordonnance Impériale et choisis, l'un parmi les fonctionnaires Musulmans et l'autre parmi les fonctionnaires Chrétiens de l'Empire. The Councillors of the Vali.

4. L'île sera divisée en autant de Sandjaks ou Arrondissements qu'il sera nécessaire. Ces Arrondissements seront administrés par des Mutessarifs (Gouverneurs) choisis parmi les fonctionnaires du Gouvernement Impérial ; les Gouverneurs seront, moitié des Musulmans et moitié des Chrétiens. Les Gouverneurs Musulmans seront assistés par des Mouavins (Adjoints) Chrétiens et les Gouverneurs Chrétiens par des Mouavins Musulmans, nommés les uns et les autres par le Gouvernement Impérial. Sandjaks.

5. Les Sandjacks seront subdivisés en Kazas (Cantons), et les Kazas seront gouvernés par des Caïmacams (Sous-Gouverneurs) choisis et nommés par la Sublime Porte et pris selon le besoin parmi les fonctionnaires Musulmans ou Chrétiens du Gouvernement Impérial. Ces Caïmacams seront assistés par des Mouavins suivant les règles posées ci-dessus. Kazas.

6. L'administration des finances sera confiée, pour le Gouvernement Général, à un Defterdar (Directeur), pour chaque Sandjack à un Mouassébédji (Sous-Directeur), et pour chaque Kaza à un Mal-Mudiri. Ces diverses fonctions seront dévolues suivant les circonstances à des fonctionnaires Musulmans et Chrétiens. Finances.

7. Il y aura un Conseil d'Administration auprès du Gouverneur-Général ainsi que de chacun des Gouverneurs et des Sous-Gouverneurs. Le Conseil d'Administration du Gouvernement Général sera présidé par le Gouverneur-Général, et aura pour membres les deux Conseillers, le Chef de la Magistrature (Mufettichi-Hukkian), le Métropolitain Grec, Administrative Councils.

le Defterdar (Directeur des Finances), les Mektoubdjis (Directeurs des Correspondances), et six autres membres dont trois Musulmans et trois Chrétiens, élus par leurs communautés respectives.

La correspondance officielle dans l'île devant être faite en deux langues, elle sera confiée à deux Mektoubdjis pour le Gouvernement Général, et à deux Bachkiatibs (Directeurs de la Correspondance) pour chaque Sandjack.

8. Le Conseil d'Administration de chaque Sandjack Mixte sera composé, sous la présidence du Gouverneur, du Mouavin, du Juge, de l'Evêque, du Mouassébédji, des Directeurs de la Correspondance, et de six membres, trois Chrétiens et trois Musulmans, élus par la population. Dans les Sandjacks exclusivement Chrétiens, ce Conseil sera composé, toujours sous la présidence du Gouverneur, du Mouavin, de l'Evêque, du Mouassébédji, des Directeurs de la Correspondance, et de six membres Chrétiens élus par la population.

Les règles qui précèdent seront également appliquées aux Conseils d'Administration des Kazas.

The Law Courts. 9. Il sera institué dans le chef-lieu du Gouvernement Général et dans les Sandjacks et les Kazas, des Tribunaux chargés de connaître des procès civils et militaires.

Les Tribunaux du chef-lieu du Gouvernement Général et dans les Sandjacks et Kazas Mixtes seront composés de membres Musulmans et Chrétiens élus par la population. Dans les Sandjacks ou Kazas exclusivement Chrétiens, ces Tribunaux ne seront composés que de Chrétiens.

10. Il y aura au chef-lieu du Gouvernement Général et dans chaque Sandjack Mixte un Tribunal religieux Musulman qui connaîtra des procès entre Musulmans. Chaque commune aura un Conseil des Anciens, et chaque Sandjack une Démogérontie ou Conseil des Anciens, pour chacune des deux communautés Musulmane et Chrétienne.

Les membres de ces Conseils seront élus par leurs justiciables.

Mixed Causes 11. Tous les procès civils, criminels et commerciaux entre Chrétiens et Musulmans, et toute autre contestation mixte, seront jugés par les Tribunaux Civils et Commerciaux Mixtes. Des règlements spéciaux détermineront la compétence et les

attributions de ces Tribunaux religieux Musulmans et des Démogéronties. The General Council.

12. Il sera institué au centre du Gouvernement Général un Conseil Général élu par la population et dans lequel chaque Kaza sera représenté par deux Délégués; chaque Kaza exclusivement Musulman enverra au Conseil Général des Délégués Musulmans; il en sera de même des Kazas exclusivement Chrétiens; enfin chaque Kaza Mixte sera représenté par un Délégué Musulman. of the Island.

Le mode d'élection de ces Délégués sera fixé par un règlement spécial.

Ce Conseil, qui se réunira une fois par an, aura pour mission d'étudier les questions relatives aux travaux d'utilité publique, telles que le développement des voies de la communication, la formation de caisses de crédit, et tout ce qui peut servir à favoriser l'agriculture, le commerce et l'industrie, enfin aux moyens de répandre l'instruction publique en ce qui est d'une application générale. Le Gouvernement Impérial allouera, sur les revenus de l'île, des fonds qui seront destinés aux améliorations étudiées et proposées par le Conseil Général et approuvées et décrétées par la Sublime Porte. L'emploi de ces fonds sera placé sous le contrôle du Conseil Général. its functions.

13. Les habitants de la Crète ayant été exempts de tout temps de l'impôt direct que toutes les autres Provinces de l'Empire payent à l'Etat, il ne sera perçu dans l'île que la dîme, le droit d'exemption du service militaire, le droit sur les boissons, les droits de douane, et les droits sur le sel et sur le tabac, créés en compensation du dégrèvement des droits de douane, et certains autres droits qui sont payés par les habitants de l'île, comme dans les autres parties de l'Empire, et dont la modification est actuellement à l'étude. Taxation.

Il ne sera imposé dans l'île aucune autre contribution.

14. L'examen des moyens propres à assurer la perception intégrale des revenus de l'Etat et à fournir à la population de l'île des facilités et des avantages dans le payement des dîmes et de l'impôt militaire sera dévolu au Conseil Général. Le Gouvernement Impérial avisera à l'application de ces améliorations suivant les vœux qui seront exprimés à ce sujet par le Conseil Général.

Nous avons enfin revêtu de notre sanction les règlements dont la teneur suit, et qui reposent sur les bases indiquées dans le Règlement Organique; ils concernent l'organisation judiciaire et administrative et les finances de l'île.

RÈGLEMENT JUDICIAIRE.—ORGANISATION DE LA JUSTICE.

Préambule.

The Mixed Courts.

Conformément aux Articles 9, 10, et 11 du Règlement Organique de l'Ile de Crète sanctionné par Sa Majesté le Sultan, les Tribunaux de la loi Musulmane demeurant exclusivement chargés du jugement de certaines contestations spéciales entre Musulmans, les procès au sujet d'intérêts particuliers commerciaux, la poursuite des délits et des crimes, ainsi que toutes les contestations entre Musulmans et Chrétiens, seront dévolus à la compétence des Tribunaux Mixtes établis hiérarchiquement dans les Districts, les Gouvernements et au siège du Gouvernement Général, ainsi que des Tribunaux de Commerce. En conséquence, le présent Règlement concernant la composition, le mode d'élection, la compétence, le mode d'appel des Tribunaux Mixtes des Districts, des Gouvernements, et du Gouvernement Général, les règles applicables aux Tribunaux de Commerce, aux Conseils des Anciens ou Démogéronties des Villages ou des Gouvernements, a été approuvé par Sa Majesté le Sultan.

[Here follow fourteen Chapters, entitled as follows:—

CH. I. *De la Composition des Tribunaux Mixtes.*

CH. II. *De la Composition des Tribunaux Mixtes de Gouvernements.*

CH. III. *De la Composition du Tribunal Mixte du Gouvernement Général.*

CH. IV. *De la Compétence des Tribunaux Mixtes des divers ordres.*

CH. V. *De la Compétence des Tribunaux Mixtes de Gouvernements.*

CH. VI. *De la Compétence du Tribunal Mixte du Gouvernement Général.*

CH. VII. *De la Compétence Spéciale des Tribunaux Mixtes.*

CH. VIII. *Dispositions Communes aux Tribunaux Mixtes des divers ordres.*

CH. IX. *De la Composition des Tribunaux de Commerce.*

CH. X. *De la Compétence des Tribunaux de Commerce.*

CH. XI. *De l'Organisation des Conseils des Anciens ou Démogérontics.*

CH. XII. *De la Compétence des Conseils des Anciens.*

CH. XIII. *Règles concernant les Conflits d'Attributions et de Compétence Positifs ou Négatifs.*

CH. XIV. *Statistique Judiciaire.*]

RÈGLEMENT ADMINISTRATIF.

[Here follow four Chapters entitled as follows :—

CH. I. *Administration Générale du Gouvernement Général de l'Ile de Crète.* Administration.

CH. II. *Attributions et Mode d'Election du Conseil d'Administration du Gouvernement Général.*

CH. III. *Attributions et Mode d'Election des Conseils d'Administration des Gouvernements et des Districts.*

CH. IV. *Conseils des Anciens.*]

RÈGLEMENT CONCERNANT L'ORGANISATION DU CONSEIL-GÉNÉRAL. General Council.

[Here follow three Chapters entitled as follows :—

CH. I. *Des Elections au Conseil-Général.*

CH. II. *De la Tenue et des Délibérations du Conseil-Général.*

CH. III. *Des Attributions du Conseil-Général.*]

No. IV[1].

Firman modifying the Organic Law for Crete, in pursuance of Article 23 of the Treaty of Berlin. November, 1878. 1878. November.

(Après les titres d'usage.)

A mon Vizir Costaki Pacha, Gouverneur-Général du Vilayet de Crète, décoré de l'Ordre Impérial du Médjidié de première classe.

[1] Parl. Papers, 1879, Turkey, No. 3.

Ghazi Ahmed Moukhtar Pacha, Muchir de mon Armée Impériale, Chef d'Etat Major, décoré des Ordres Impériaux de l'Osmanié en brillants et du Médjidié de première classe, et Salim Effendi, Haut Fonctionnaire de mon Empire, Conseiller de la Cour de Cassation, ont été précédemment envoyés en Crète en vertu de mon Iradé Impérial, afin d'y examiner les demandes concernant les modifications à apporter au Règlement Organique octroyé par le Firman du 25 Rémézan 1284. A l'arrivée de ces dignitaires en Crète, les vœux de la population ont été examinés dans un Conseil tenu *ad hoc* et composé des personnes dont la présence était nécessaire. Les modifications à introduire au Règlement, arrêtées en seize Articles et quelques dispositions particulières, ont été consignées dans un Acte qui fut présenté à ma Sublime Porte, et dont la teneur suit:—

Confirmation of the Law of 1868.

ART. I. Le Règlement Spécial de l'Ile de Crète est en vigueur comme par le passé. Certaines dispositions seulement de ce Règlement seront modifiées et complétées comme ci-dessous.

La Constitution n'annulera pas les dispositions de ce Règlement.

The Vali to hold office five years.

ART. II. Le Gouverneur-Général est nommé, conformément au Règlement Organique de Crète. La durée de ses fonctions sera de cinq ans.

The General Assembly.

ART. III. L'Assemblée Générale sera composée de quatre-vingt membres, dont quarante-neuf Chrétiens et trente et un Musulmans.

ART. IV. La Session annuelle de l'Assemblée Générale sera comme par le passé, de quarante jours. Toutefois, si l'Assemblée ne peut terminer durant ce laps de temps les travaux de cette année-ci, la première Session pourra être prorogée de vingt jours au plus.

Les séances sont publiques.

Codes of Procedure and Règlement Communal.

Afin de combler les lacunes qui existent dans la législation Ottomane en vigueur, l'Assemblée Générale aura le droit d'élaborer immédiatement un Code de Procédure Civile et Criminelle, et un Règlement Communal, qui font encore défaut, et de les soumettre à l'approbation de la Sublime Porte, qui les sanctionnera s'ils ne portent pas atteinte aux droits

du Gouvernement Impérial et s'ils ne sont pas contraires aux principes qui régissent les lois et Règlements Ottomans.

Si, dans la suite, il y avait à faire des modifications de nature à suppléer à l'insuffisance des Règlements en vigueur et réclamés par les besoins d'un intérêt purement local, l'Assemblée Générale aura le droit de soumettre à l'approbation de la Sublime Porte les modifications qu'elle aura arrêtées à la majorité des deux tiers des voix.

Le vote à la majorité de deux tiers ne sera applicable que dans le cas prévu par le paragraphe précédent.

Caïmacams.

ART. V. Le nombre des Caïmacams Chrétiens dépassera celui des Caïmacams Musulmans suivant les exigences des localités.

Officials excluded from Administrative Councils.

ART. VI. La formation des Conseils d'Administration aura lieu comme par le passé. Toutefois, à l'avenir, aucun employé du Gouvernement n'en fera partie, à l'exception du Gouverneur-Général, des Gouverneurs, et des Caïmacams, qui les président de droit.

Judicature.

ART. VII. Le pouvoir judiciaire sera distinct et indépendant du pouvoir exécutif.

La composition des Tribunaux aura lieu comme par le passé. Néanmoins, l'Assemblée pourra soumettre à l'approbation de la Sublime Porte un projet de réorganisation qui, tout en étant plus économique, assurerait une meilleure distribution de la justice.

The Councillor of the Vali.

ART. VIII. Le Gouverneur-Général aura dorénavant un Conseiller qui sera Chrétien, si le Vali est Musulman, et Musulman si le Vali est Chrétien.

Official languages.

ART. IX. La correspondance général du vilayet, ainsi que les procès-verbaux et mazbatas des Tribunaux et Conseils, se feront en deux langues. Mais, comme les habitants Musulmans et Chrétiens de l'île parlent en général le Grec, les délibérations de l'Assemblée Générale et des Tribunaux auront lieu dans cette langue.

Officials.

ART. X. Tous les employés autres que le Vali seront également nommés conformément aux lois et Règlements en vigueur. Toutefois les indigènes ayant les qualités requises auront la préférence.

Tithes.

ART. XI. Dans le cas où l'Assemblée Générale aurait à

établir pour la perception des dîmes un mode nouveau de nature à sauvegarder d'une manière plus complète les intérêts du fisc et en même temps ceux de la population, elle devra le soumettre à la sanction du Gouvernement.

Gendarmerie. ART. XII. Le Gouvernement Impérial acceptera, conformément aux Règlements, les indigènes, Musulmans ou Chrétiens, qui s'offriront pour la formation de la gendarmerie de l'île, et n'aura recours à d'autres habitants de l'Empire que dans le cas de l'insuffisance des candidats indigènes. Le Chef de la Gendarmerie (Alaï Béyi) sera désigné par la Sublime Porte. Quant aux autres officiers, ils seront choisis par l'autorité locale parmi les Musulmans et les Chrétiens, conformément à la loi, et leur nomination sera soumise à la sanction du Gouvernement Impérial.

Une caisse de retraite sera établie pour les officiers et soldats de la gendarmerie, et un Règlement spécial sera élaboré à ce sujet.

Finance. ART. XIII. Il y aura économie dans les dépenses. Ne seront pas portés au budget de l'île :—

Les frais de l'armée régulière, les droits de Douane, les taxes sur le sel et le tabac, ainsi que les recettes et dépenses des terrains vacoufs qui, inscrites au budget du vilayet, sont aujourd'hui administrées par l'autorité locale, et qui seront dorénavant gérées séparément.

Après prélèvement sur le restant des revenus, des frais de l'administration locale, l'excédant sera partagé à moitié entre le Trésor Impérial et les travaux d'utilité publique qui seront arrêtés par l'Assemblée Générale dans l'ordre suivant :—

1. Maisons de détention.
2. Ecoles.
3. Hôpitaux.
4. Ports et routes.

L'Assemblée aura le droit d'examiner si les recettes et les dépenses ont été disposées selon la prescription budgétaire de l'année. Dans le cas où ces revenus ne couvriraient pas les dépenses, et qu'après avoir usé de toutes les mesures administratives on n'aurait pas encore réussi à augmenter les recettes et à payer les appointements, le Gouvernement Impérial donnera à l'administration de l'île et jusqu'à concurrence

de la moitié des revenus de la Douane de l'exercice courant, une somme d'argent qui servira à combler le déficit des appointements.

ART. XIV. Le papier-monnaie n'aura pas cours dans l'île. Les appointements des employés seront payés en métallique. Currency.

ART. XV. Il sera permis aux habitants de l'île de fonder des sociétés littéraires, des imprimeries, et de publier des journaux conformément aux lois et règlements de l'Empire. Associations.

ART. XVI. Si des Ordonnances Ministérielles sont transmises contrairement à l'indépendance des Tribunaux, aux lois en vigueur et au Règlement de l'île, ces Ordonnances ne seront pas mises à exécution. Nullity of orders in contravention of the Law.

Dispositions Particulières.

Une amnistie générale sera proclamée. Amnesty.

Les impôts arriérés ne seront pas exigés des agriculteurs. Quant aux fermiers et aux agents de l'Administration qui sont débiteurs envers le fisc, il sera procédé à leur égard suivant les dispositions de l'Iradé précédemment transmis à cet effet. Arrears.

Il sera permis aux habitants de garder leurs armes, mais personne n'aura le droit de les porter sans la permission de l'autorité. Arms.

Un arrangement définitif sera adopté pour les dettes antérieures aux événements de 1866, afin de faciliter aux débiteurs insolvables l'exécution de leurs obligations. Debts.

Indépendamment des immeubles qui ont été saisis provisoirement à la suite des événements de 1866, s'il y a des propriétés de cette catégorie vendues, l'autorité locale s'adressera à la Sublime Porte pour faire ce qui est requis.

Le Règlement relatif aux caisses des orphelins Chrétiens présenté par les cinq Démogérontes de l'île, après avoir été examiné ici, sera soumis à la sanction de la Sublime Porte. Christian Orphans.

Des bureaux spéciaux seront créés dans l'île pour les conventions et pour tous actes de vente d'immeubles autres que les actes de transfer 'firaghet,' ainsi que pour l'inscription des hypothèques et des dépôts. Registries.

Ces Articles et dispositions ont été discutés dans le Conseil des Ministres, qui a adopté les modifications ci-dessus comme conformes aux besoins locaux et aux exigences de la situation.

L'affaire ayant été soumise à ma sanction Impériale, j'ordonne que le présent Firman, revêtu de mon écriture Impériale, soit promulgué et publié, et qu'il soit fait en conséquence.

Le 29 Chevval 1295.

CHAPTER IV.

EGYPT.

1839–1885.

In November 1831 the armies of Mehemet Ali, the Pasha of Egypt, invaded Syria; the Turks were defeated at the decisive battle of Konieh on 21st December, 1832, and Constantinople would have been attacked but for the assistance rendered to the Porte by Russia. By the Convention of Kutayeh, signed on 14th May, 1833, it was agreed that Mehemet Ali should receive the Governorship of Egypt, Candia, and Syria, and his son Ibrahim the collectorship of Adana. On 8th July following, the Porte concluded, at Unkiar-Skelessi, the alliance with Russia which gave so much offence to some of the other Powers. Mehemet Ali at war with the Porte.

In 1839 the Sultan and the Pasha were again at war. The Turks were beaten at the battle of Nezib, and the Ottoman fleet deserted to the enemy. Instead of allowing the authority of the Porte to be re-established by Russia alone, under the Treaty of Unkiar-Skelessi, the Great Powers determined to bring about this result by their collective action. A Conference of representatives of Great Britain, France, Russia, Prussia, and Austria met at London[1], and the Sultan, when on the point of yielding, was encouraged by the receipt of a

[1] See Parl. Papers, 1839 [205–207], containing communications with Mehemet Ali in 1833, 1838, and 1839.

The Concert of the Powers.

collective Note from the Ministers of these Powers at Constantinople, dated 27th July, 1839, to the following effect:—

> The undersigned have this morning received instructions from their respective Governments, in virtue of which they have the honour to inform the Sublime Porte that agreement between the five Powers is insured, and to invite the Porte to suspend any final determination without their concurrence[1].

It is well known that the policy of France subsequently diverged from that of the other Powers; which, without her,

The Treaty of 15th July, 1840.

signed the Treaty of London of 15th July, 1840, to the following effect[2]:—

> In the name of the Most Merciful God.
>
> His Highness the Sultan having addressed himself to their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, to ask their support and assistance in the difficulties in which he finds himself placed by reason of the hostile proceedings of Mehemet Ali, Pasha of Egypt, —difficulties which threaten with danger the integrity of the Ottoman Empire, and the independence of the Sultan's throne,—their said Majesties, moved by the sincere friendship which subsists between them and the Sultan; animated by the desire of maintaining the integrity and independence of the Ottoman Empire as a security for the peace of Europe; faithful to the engagement which they contracted by the Collective Note presented to the Porte by their Representatives at Constantinople, on the 27th of July, 1839; and desirous, moreover, to prevent the effusion of blood which would be occasioned by a continuance of the hostilities which have recently broken out in Syria between the authorities of the Pasha of Egypt and the subjects of the Sultan; their said Majesties and His Highness the Sultan have resolved, for the aforesaid purposes, to conclude together a Convention, and they have therefore named as their Plenipotentiaries, that is to say:—
>
> Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John,

[1] Parl. Papers, 1839 [205].

[2] Parl. Papers, 1854, Treaties between Russia and Turkey, p. 67; N. R. G. i, 156.

Viscount Palmerston, Baron Temple, &c., Her Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Philip, Baron de Neumann, &c., his Plenipotentiary to Her Britannic Majesty;

His Majesty the King of Prussia, the Sieur Henry William, Baron de Bülow, &c., Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty;

His Majesty the Emperor of all the Russias, the Sieur Philip, Baron de Brunnow, &c., Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty;

And His Majesty the Most Noble, Most Powerful, and Most Magnificent Sultan Abdul-Medjid, Emperor of the Ottomans, Chekib Effendi, &c., his Ambassador Extraordinary to Her Britannic Majesty;

Who, having reciprocally communicated to each other their full powers, found to be in good and due form, have agreed upon and signed the following articles:—

The terms to be granted to Mehemet Ali.

Art. 1. His Highness the Sultan having come to an agreement with their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, as to the conditions of the arrangement which it is the intention of His Highness to grant to Mehemet Ali, conditions which are specified in the Separate Act hereunto annexed; their Majesties engage to act in perfect accord, and to unite their efforts in order to determine Mehemet Ali to conform to that arrangement; each of the High Contracting Parties reserving to itself to co-operate for that purpose, according to the means of action which each may have at his disposal.

Steps to be taken in case of his refusal.

Art. 2. If the Pasha of Egypt should refuse to accept the above-mentioned arrangement, which will be communicated to him by the Sultan, with the concurrence of their aforesaid Majesties; their Majesties engage to take, at the request of the Sultan, measures concerted and settled between them, in order to carry that arrangement into effect. In the meanwhile, the Sultan having requested his said Allies to unite with him in order to assist him to cut off the communication by sea between Egypt and Syria, and to prevent the transport of troops, horses, arms, and warlike stores of all kinds, from the one Province to the other; their Majesties the Queen of the United Kingdom of Great Britain and Ireland, and the Emperor of Austria, King of Hungary and Bohemia, engage to give immediately, to that

effect, the necessary orders to their naval Commanders in the Mediterranean. Their said Majesties further engage that the naval Commanders of their squadrons shall, according to the means at their command, afford, in the name of the Alliance, all the support and assistance in their power to those subjects of the Sultan who may manifest their fidelity and allegiance to their Sovereign.

Art. 3. If Mehemet Ali, after having refused to submit to the conditions of the arrangement above mentioned, should direct his land or sea forces against Constantinople, the High Contracting Parties, upon the express demand of the Sultan, addressed to their Representatives at Constantinople, agree, in such case, to comply with the request of that Sovereign, and to provide for the defence of his throne by means of a co-operation agreed upon by mutual consent, for the purpose of placing the two Straits of the Bosphorus and Dardanelles, as well as the capital of the Ottoman Empire, in security against all aggression.

It is further agreed that the forces which, in virtue of such concert may be sent as aforesaid, shall there remain so employed as long as their presence shall be required by the Sultan; and when His Highness shall deem their presence no longer necessary, the said forces shall simultaneously withdraw, and shall return to the Black Sea and to the Mediterranean, respectively.

The ancient rule as to the Straits.

Art. 4. It is, however, expressly understood that the co-operation mentioned in the preceding Article, and destined to place the Straits of the Dardanelles and of the Bosphorus, and the Ottoman capital, under the temporary safeguard of the High Contracting Parties against all aggression of Mehemet Ali, shall be considered only as a measure of exception adopted at the express demand of the Sultan, and solely for his defence in the single case above-mentioned; but it is agreed, that such measure shall not derogate in any degree from the ancient rule of the Ottoman Empire, in virtue of which it has in all times been prohibited for ships of war of foreign Powers to enter the Straits of the Dardanelles and of the Bosphorus. And the Sultan, on the one hand, hereby declares that excepting the contingency above-mentioned, it is his firm resolution to maintain in future this principle invariably established as the ancient rule of his Empire, and as long as the Porte is at peace, to admit no foreign ship of war into the Straits of the Bosphorus and of the Dardanelles; on the other hand, their Majesties the Queen of the United Kingdom of Great

Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, engage to respect this determination of the Sultan, and to conform to the above-mentioned principle.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at London at the expiration of two months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 15th day of July, in the year of Our Lord 1840.

(Signed) PALMERSTON.
NEUMANN.
BÜLOW.
BRUNNOW.
CHEKIB.

Separate Act annexed to the Convention signed at London on the 15th of July, 1840.

His Highness the Sultan intends to grant, and to cause to be notified to Mehemet Ali, the conditions of the arrangement hereinafter detailed :—

1. His Highness promises to grant to Mehemet Ali, for himself and for his descendants in the direct line, the administration of the Pashalic of Egypt; and His Highness promises, moreover, to grant to Mehemet Ali, for his life, with the title of Pasha of Acre, and with the command of the Fortress of St. John of Acre, the administration of the southern part of Syria, the limits of which shall be determined by the following line of demarcation :— Mehemet Ali to be hereditary Pasha of Egypt, with Syria for his life.

This line, beginning at Cape Ras-el-Nakhora, on the coast of the Mediterranean, shall extend direct from thence as far as the mouth of the River Seizaban, at the northern extremity of the Lake of Tiberias; it shall pass along the western shore of that Lake; it shall follow the right bank of the River Jordan, and the western shore of the Dead Sea; from thence it shall extend straight to the Red Sea, which it shall strike at the northern point of the Gulf of Akaba; and from thence it shall follow the western shore of the Gulf of Akaba, and the eastern shore of the Gulf of Suez, as far as Suez.

The Sultan, however, in making these offers, attaches thereto the condition, that Mehemet Ali shall accept them within

On condition of acceptance within ten days, and of evacuating all other Ottoman territories.

the space of ten days after communication thereof shall have been made to him at Alexandria, by an Agent of His Highness; and that Mehemet Ali shall, at the same time, place in the hands of that Agent the necessary instructions to the Commanders of his sea and land forces, to withdraw immediately from Arabia, and from all the Holy Cities which are therein situated; from the Island of Candia; from the district of Adana; and from all other parts of the Ottoman Empire which are not comprised within the limits of Egypt, and within those of the Pashalic of Acre, as above defined.

The offer of Egypt to remain open for ten days longer.

2. If within the space of ten days, fixed as above, Mehemet Ali should not accept the above-mentioned arrangement, the Sultan will then withdraw the offer of the life administration of the Pashalic of Acre; but His Highness will still consent to grant to Mehemet Ali, for himself and for his descendants in the direct line, the administration of the Pashalic of Egypt, provided such offer be accepted within the space of the ten days next following, that is to say, within a period of twenty days, to be reckoned from the day on which the communication shall have been made to him; and provided that in this case also, he places in the hands of the Agent of the Sultan, the necessary instructions to his military and naval commanders to withdraw immediately within the limits, and into the ports of the Pashalic of Egypt.

Tribute.

3. The annual tribute to be paid to the Sultan by Mehemet Ali, shall be proportioned to the greater or less amount of territory of which the latter may obtain the administration, according as he accepts the first or the second alternative.

The Turkish fleet to be surrendered.

4. It is, moreover, expressly understood that, in the first as in the second alternative, Mehemet Ali (before the expiration of the specified period of ten or of twenty days), shall be bound to deliver up the Turkish fleet, with the whole of its crews and equipments, into the hands of the Turkish agent who shall be charged to receive the same. The commanders of the allied squadrons shall be present at such delivery.

It is understood, that in no case can Mehemet Ali carry to account, or deduct from the tribute to be paid to the Sultan, the expenses which he has incurred in the maintenance of the Ottoman fleet, during any part of the time it shall have remained in the ports of Egypt.

5. All the Treaties, and all the laws of the Ottoman Empire, shall be applicable to Egypt, and to the Pashalic of Acre, such as it has been above defined, in the same manner as to every other part of the Ottoman Empire. But the Sultan consents, that on condition of the regular payment of the

tribute above-mentioned, Mehemet Ali and his descendants shall collect, in the name of the Sultan, and as the delegate of His Highness, within the Provinces the administration of which shall be confided to them, the taxes and imposts legally established. It is moreover understood that, in consideration of the receipt of the aforesaid taxes and imposts, Mehemet Ali and his descendants shall defray all the expenses of the civil and military administration of the said Provinces.

6. The military and naval forces which may be maintained by the Pasha of Egypt and Acre, forming part of the forces of the Ottoman Empire, shall always be considered as maintained for the service of the State.

7. If, at the expiration of the period of twenty days after the communication shall have been made to him (according to the stipulation of § 2), Mehemet Ali shall not accede to the proposed arrangement, and shall not accept the hereditary Pashalic of Egypt, the Sultan will consider himself at liberty to withdraw that offer, and to follow, in consequence, such ulterior course as his own interests and the counsels of his allies may suggest to him. After twenty days Sultan may withdraw his offer.

8. The present separate Act shall have the same force and validity as if it were inserted, word for word, in the Convention of this date. It shall be ratified, and the ratifications thereof shall be exchanged at London at the same time as those of the said Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 15th day of July, in the year of Our Lord 1840.

(Signed) PALMERSTON.
NEUMANN.
BÜLOW.
BRUNNOW.
CHEKIB.

Protocol (1) *signed at London, the 15th of July*, 1840.

In affixing his signature to the Convention of this date, the Plenipotentiary of the Sublime Ottoman Porte declared: That in recording by Article IV of the said Convention the ancient rule of the Ottoman Empire, by virtue of which it has been at all times forbidden to foreign vessels of war to enter within the Straits of the Dardanelles and of the Bosphorus, the Sublime Porte reserves to itself, as heretofore, to deliver passes to light vessels under flag of war, The ancient rule as to the Straits.

which may be employed according to custom for the service of the correspondence of the Legations of friendly Powers.

The Plenipotentiaries of the Courts of Great Britain, Austria, Prussia, and Russia, took note of the above Declaration, for the purpose of communicating it to their respective Courts.

(Signed) PALMERSTON.
NEUMANN.
BÜLOW.
BRUNNOW.
CHEKIB.

Reserved Protocol (2) *signed at London by the same on the 15th of July*, 1840.

Art. 2 of the Convention to be acted upon before ratification.

THE Plenipotentiaries of the Courts of Great Britain, Austria, Prussia, Russia, and Turkey, having, in virtue of their full powers, concluded and signed this day a Convention between their respective Sovereigns, for the pacification of the Levant;

Considering that, in consequence of the distances which separate the capitals of their respective Courts, a certain space of time must necessarily elapse before the ratifications of the said Convention can be exchanged, and before orders founded thereupon can be carried into execution;

And the said Plenipotentiaries being deeply impressed with the conviction, that by reason of the present state of things in Syria, the interests of humanity, as well as the grave considerations of European policy which constitute the object of the common solicitude of the Contracting Parties to the Convention of this day, imperiously require that, as far as possible, all delay should be avoided in the accomplishment of the pacification which the said Convention is intended to effect;

The said Plenipotentiaries, in virtue of their full powers, have agreed that the preliminary measures mentioned in Article II of the said Convention, shall be carried into execution at once, without waiting for the exchange of the ratifications; the respective Plenipotentiaries recording formally, by the present Instrument, the consent of their Courts to the immediate execution of these measures.

It is moreover agreed between the said Plenipotentiaries, that His Highness the Sultan will proceed immediately to address to Mehemet Ali the communication and offers specified in the Separate Act annexed to the Convention of this day.

It is further agreed that the Consular Agents of Great Britain, Austria, Prussia, and Russia, at Alexandria, shall place themselves in communication with the Agent whom His Highness may send thither to communicate to Mehemet Ali the above-mentioned offers; that the said Consuls shall afford to that Agent all the assistance and support in their power; and shall use all their means of influence with Mehemet Ali, in order to persuade him to accept the arrangement which will be proposed to him by order of His Highness the Sultan.

The Admirals of the respective squadrons in the Mediterranean shall be instructed to place themselves in communication with the said Consuls on this subject.

(Signed) PALMERSTON.
NEUMANN.
BULOW.
BRUNNOW.
CHEKIB.

Protocol of a Conference, signed at London by the same the 17th of September, 1840[1].

Self-denying Protocol.

THE Plenipotentiaries of the Courts of Great Britain, Austria, Prussia, and Russia, after having exchanged the ratifications of the Convention concluded on the 15th of July last, have resolved, in order to place in its true light the disinterestedness which has guided their Courts in the conclusion of that Act, to declare formally:

That in the execution of the engagements resulting to the Contracting Powers from the above-mentioned Convention, those Powers will seek no augmentation of territory, no exclusive influence, no commercial advantage for their subjects, which those of every other nation may not equally obtain.

The Plenipotentiaries of the Courts above-mentioned have resolved to record this Declaration in the present Protocol.

The Plenipotentiary of the Ottoman Porte, in paying a just tribute to the good faith and disinterested policy of the allied Courts, has taken cognizance of the Declaration contained in the present Protocol; and has undertaken to transmit it to his Court.

(Signed) PALMERSTON.
NEUMANN.
SCHLEINITZ.
BRUNNOW.
CHEKIB.

[1] N. R. G. xv, 488.

Mehemet Ali refuses the terms.

Mehemet Ali refused to accept the arrangement proposed, and the Porte, against the judgment of the Powers, immediately declared him to be deprived of his pashalics. The Powers acted as had been agreed. Beyrout was bombarded in September, and Acre fell in November, on the 27th of which month Commodore Napier agreed with Mehemet Ali that the latter should become hereditary governor of Egypt, on certain conditions[1]. The Commodore's convention was however disavowed, as in excess of his powers; but on 6th December Admiral Stopford transmitted to Mehemet Ali an offer, duly made on behalf of the Allies, that he should be maintained in the hereditary pashalic of Egypt, if within three days he would engage to evacuate the other possessions of which he was still in occupation and to restore the Turkish fleet. These terms were accepted on 11th December. Syria, Candia, and Arabia were evacuated, and on 14th January, 1841, the Turkish fleet was given up.

Mehemet Ali submits.

The Firman of 13th February, 1841.

Some difficulty remained in determining the conditions of Mehemet Ali's tenure of Egypt. He strongly objected to a Firman of 13th February, 1841, granting to him the pashalic hereditarily, but reserving to the Sultan on each vacancy the right of selecting the heir who should receive investiture[2]. Through the influence of the Powers these terms were modified[3], and a new Firman was issued on 1st June, after being pronounced free from objection by the representatives at Constantinople of Great Britain, Austria, Prussia, and Russia.

The representatives of the same Powers at London signed,

[1] N. R. G. xv, 489.

[2] Another Firman of the same date grants to Mehemet Ali, but not hereditarily, the government of Nubia, Darfour, Cordofan, and Senaar. Législation Ottomane, ii. p. 136.

[3] The representatives of the Powers at London, on being consulted, referred the Porte to the Treaty of 1840 for the principles upon which the pashalic of Egypt should be granted, and to their notes of 20th January and 13th March for the mode in which these principles ought to be applied. Parl. Papers, 1841, Correspondence as to the Levant, iii. p. 412.

on 13th a Protocol dated 10th July, 1841, to the following effect[1]:

The Protocol of 10th July, 1841.

THE difficulties in which His Highness the Sultan found himself placed, and which decided him to call for the support and aid of the Courts of Austria, Great Britain, Prussia, and Russia, having now been smoothed, and Mehemet Ali having made to His Highness the Sultan the act of submission which the convention of 15th July was intended to bring about, the Representatives of the Powers which signed the said convention have recognised that, independently of the execution of the temporary measures resulting from that convention, it is especially desirable to consecrate, in the most formal manner, the respect due to the ancient rule of the Ottoman Empire, in virtue of which it has been at all times prohibited to the vessels of war of foreign Powers to enter the Straits of the Dardanelles and the Bosphorus.

This principle being by its nature of a general and permanent application, the respective Plenipotentiaries, provided with the orders of their respective Courts to that effect, have come to the conclusion that, to manifest the agreement and union which preside over the intentions of all the Courts in the interest of the consolidation of the peace of Europe, it would be proper to mark the respect due to the principle abovementioned by means of an Act in which France should be invited to join, on the invitation and in accordance with the wish of His Highness the Sultan.

That Act being of a nature to offer to Europe a pledge of the union of the four Powers, the principal Secretary of State of Her Britannic Majesty having the Department of Foreign Affairs, in agreement with the Plenipotentiaries of the four Powers, has undertaken to bring that object to the knowledge of the French Government, by inviting it to share in the Act by which, the Sultan, of the one part, would declare his firm resolution to maintain in the future the abovementioned principle, and the five Powers, of the other part, would announce their unanimous determination to respect this principle and to conform themselves to it.

ESTERHAZY.
NEUMANN.
PALMERSTON.
BULOW.
BRUNNOW.
CHEKIB.

A Convention was accordingly signed on the same day by

[1] Parl. Papers, ib., N. R. G. ii, 126.

the Plenipotentiaries of the same Powers and of France as follows[1]:

The Treaty of 13th July, 1841.

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of the French, the King of Prussia, and the Emperor of all the Russias, being persuaded that their union and their agreement offer to Europe the most certain pledge for the preservation of the general peace, the constant object of their solicitude; and their said Majesties being desirous of testifying this agreement, by giving to the Sultan a manifest proof of the respect which they entertain for the inviolability of his Sovereign rights, as well as of their sincere desire to see consolidated the repose of his Empire; their said Majesties have resolved to comply with the invitation of His Highness the Sultan, in order to record in common, by a formal Act, their unanimous determination to confirm to the ancient rule of the Ottoman Empire, according to which the passage of the Straits of the Dardanelles and of the Bosphorus is always to be closed to foreign ships of war, so long as the Porte is at peace.

Their said Majesties, on the one part, and His Highness the Sultan, on the other part, having resolved to conclude between them a Convention on this subject, have named for that purpose as their Plenipotentiaries, that is to say, &c., &c.:—

Who, having reciprocally communicated to each other their Full Powers, found to be in good and due form, have agreed upon and signed the following Articles:—

Art. 1. His Highness the Sultan, on the one part, declares that he is firmly resolved to maintain for the future the principle invariably established as the ancient rule of his Empire, and in virtue of which it has at all times been prohibited for the ships-of-war of foreign Powers to enter the Straits of the Dardanelles and of the Bosphorus; and that, so long as the Porte is at peace, His Highness will admit no foreign ship-of-war into the said Straits.

And their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, King of Hungary and Bohemia, the King of the French, the King of Prussia, and the Emperor of all the Russias, on the other part, engage to respect this determination of the Sultan, and to conform themselves to the principle above declared.

[1] Parl. Papers, 1854; N. R. G. ii, 128.

Art. 2. It is understood that in recording the inviolability of the ancient rule of the Ottoman Empire mentioned in the preceding Article, the Sultan reserves to himself, as in past times, to deliver firmans of passage for light vessels under flag of war, which shall be employed as is usual in the service of the Missions of foreign Powers.

Art. 3. His Highness the Sultan reserves to himself to communicate the present Convention to all the Powers with whom the Sublime Porte is in relations of friendship, inviting them to accede thereto.

Art. 4. The present Convention shall be ratified, and the ratifications thereof shall be exchanged at London at the expiration of two months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the thirteenth day of July, in the year of our Lord one thousand eight hundred and forty-one.

PALMERSTON.
ESTERHAZY.
NEUMANN.
BOURQUENEY.
BULOW.
BRUNNOW.
CHEKIB.

The Firman of 1st June, 1841.

By the Firman of 1st June, 1841, the Pashalic of Egypt is granted to Mehemet Ali and his heirs male, with the right of coining money in the name of the Sultan, of maintaining an army of 18,000 men in time of peace, and of granting commissions up to the rank of Colonel. The tribute to be 80,000 purses (about £363,635)[1].

of 27th May, 1866.

By a Firman of 27th May, 1866, the Pashalic is to descend to the eldest son of the Pasha; whom failing, to the eldest brother; whom failing, to the eldest son of the eldest brother deceased. The army is raised to 30,000 men, and the Tribute to 150,000 purses (about £675,000)[2].

of 8th June, 1867.

By a Firman of 8th June, 1867, the Pasha, now addressed as 'Khedive,' is authorized to frame regulations in the nature of laws[3], and to enter into arrangements in the nature of conven-

[1] Parl. Papers, 1879, Egypt, No. 4. p. 1; N. R. G. xviii, 490 (Texts, No. I).

[2] Parl. Papers, u. s.; N. R. G. ib. 240 (Texts, No. II).

[3] Egypt had previously been subject to the general law of the Empire, as declared by the Sultan.

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tions for non-political objects, such as customs-duties, police and posts [1].

of 29th November, 1869,

By a Firman of 29th November, 1869, the Khedive is forbidden to raise loans without the sanction of the Sultan [2].

of 10th September, 1872,

A Firman of 10th September, 1872, practically revokes the preceding Firman [3].

of 25th September, 1872,

A Firman of 25th September, 1872, expressly gives the Khedive authority to contract loans without permission [4].

of 8th June, 1873,

An important Firman was issued on 8th June, 1873, to replace all preceding Firmans. It confirms the rules of succession already established; provides for a Regency during minority; authorizes the Khedive to make laws, to make non-political conventions with foreign powers, to contract loans without permission, to keep an unlimited number of troops, and to build ships of war, iron-clads excepted. The tribute is maintained at 150,000 purses [5]. This Firman is still in force, in so far as it is not controlled by the Firman which was issued on 2nd August, 1879 [6], under the circumstances presently to be mentioned.

of 2nd August, 1879.

Egyptian indebtedness.

But between the dates 1873 and 1879 there occurred a series of events which gave to the European Powers a position in Egypt paramount in some respects to that of either Sultan or Khedive. This position was the result of the enormous loans contracted by the Khedive with subjects of the Powers, and of the rights which the Powers acquired for their subjects of enforcing their claims by means of the machinery of the so-called 'International Courts.' The institution of these courts is indeed the turning-point of recent Egyptian history. The inefficiency of the then existing machinery for the administration of justice to foreigners was explained in a report

The International Courts, 1876.

[1] Parl. Papers, u. s.; N. R. G. ib. 242 (Texts, No. III).
[2] Ib. u. s. (Texts, No. V).
[3] Ib. u. s. (Texts, No. VI).
[4] Ib. u. s. (Texts, No. VII).
[5] Ib. u. s.; N. R. G. xviii, 629 (Texts, No. VIII).
[6] Parl. Papers, 1880, Egypt, No. 1. p. 51; N. R. G. 2me Série, vi, 508 (Texts, No. IX).

drawn up by Nubar Pasha in 1867, and communicated to the Powers. Negotiations followed, and commissions of delegates of the Powers sat at Cairo in 1869 and at Constantinople in 1873. The result of their labours was a draft *Règlement d'Organisation Judiciaire pour les Procès Mixtes en Égypte*, by Art. X of which foreigners are empowered to bring actions against the Egyptian Government and the estates of the Khedive[1]. The French Government gave its adhesion to the *Règlement*, with certain modifications, in a Protocol signed on behalf of that government and of the Khedive on 10th November, 1874[2]. The Powers which sooner or later became parties to the arrangement were fourteen in number, viz. Germany, Austria, Belgium, Denmark, Spain, France, Great Britain, Greece, Italy, the Netherlands, Portugal, Russia, Sweden and Norway, and the United States.

The New Codes.

New Codes, to be administered by the Courts, came into operation on 18th October, 1875, and the Courts themselves were opened for business on 1st January, 1876.

The powers of the Courts, originally granted for five years, have been prolonged, by a series of Decrees, to 1st February 1882[3], to 1st February 1883[4], to 1st February 1884[5], and lastly to 1st February 1889[6].

The Khedive's Canal Shares.

The pressure of debt had already become serious. In November, 1875, the year preceding the opening of the Courts, the Khedive sold his Canal shares to the British government, and Mr. Cave was sent out, at the request of Nubar Pasha, to

[1] Annuaire de l'Institut de Droit International, 1877, p. 321 (Texts, No. X).

[2] Ibid. p. 337. The Accession of Great Britain to the Convention was on 31st July, 1875; ibid., 1878, p. 273; Parl. Papers, 1876, Egypt, No. 3; N. R. G. 2mo Série, ii, 695 (Texts, No. XI).

[3] By a Decree of 6th January, 1881.

[4] By a Decree of 28th January, 1882.

[5] By a Decree of 28th January, 1883.

[6] By a Decree of 19th January, 1884. It was proposed at this time to reconstitute the International Commission, and to consider the expediency of a larger transfer of criminal jurisdiction to these courts. On these Decrees, see Parl. Papers, 1884, Egypt, No. 24.

Mr. Cave's report.

report upon the condition of the finances. His report was published in April, 1876[1]. On the 8th of the same month a Decree was issued, postponing for three months the payment of the coupon about to become due, and on the 2nd May a Decree established the '*Caisse de la dette publique*,' which still subsists[2]. It was provided that the revenue devoted to the debt should be paid into the Caisse instead of the Exchequer; that the Caisse might sue the government before the international tribunals; and that the government should not diminish the revenue arising from the taxes hypothecated to the debt, nor contract fresh loans, without the sanction of the Caisse.

The *Caisse*, 2nd May, 1876.

The Commissioners of the Caisse were to be Egyptian functionaries, but to be foreigners nominated by the governments of the countries which they were called upon to represent. Messrs. Kremer, Baravelli, and de Blignières were appointed accordingly, on the nomination of Austria, Italy, and France respectively. It was not till 18th November that Major Baring was appointed for England, but not on the nomination of the English government[3]. The functions of the Caisse were to commence from 10th June.

The Decree of the 2nd was followed by another of the 7th May[4], 'unifying' the various loans, both funded and unfunded, contracted by the Government and the Daïra[5], into a general debt, bearing interest at 7 per cent., to be managed by the Caisse, and assigning certain revenues as its security. The Decree also arrested the operation of the Moukabalah[6].

[1] Q. v. Parl. Papers, 1876, Egypt, No. 7.

[2] Parl. Papers, 1876, Egypt, No. 8, pp. 54, 60 (Texts, No. XII).

[3] See Art. 10 of the Goschen-Joubert Decree (Texts, No. XIV). Cf. infra, p. 109.

[4] Parl. Papers, 1876, Egypt, No. 8, p. 63 (Texts, No. XIII). This Decree was followed by one of 11th May, constituting a Treasury department.

[5] There are various 'Daïras,' or Administrations, of estates which belonged to the Khedivial family. The principal of these, the Daïra Sanieh, was the personal estate of the Khedive.

[6] A law passed in 1871, which, in consideration of the payment of six years' land tax in advance, promised to landowners an exemption from half the tax after 1885, and an improved title. This law was revived by the Goschen-Joubert Decree, with modifications, but abolished by the Law of Liquidation.

In the Autumn of the same year Mr. Goschen and M. Joubert went out to Egypt as representatives of the bond-holders, whose interests were thought to be unduly trenched upon by the Decrees of May. Their proposals were embodied in a Decree, issued on 18th November, 1876[1], which again separated the debts of the Daïra from those of the Government, revived the Moukabalah, provided for the issue of Preference bonds, and, in particular, instituted the 'Dual Control.' The Goschen-Joubert Decree.

Under this Decree Mr. Romaine was appointed Controller-general of Revenue, and the Baron de Malaret Controller-general of Public Debt and Audit[2]. The English government disclaimed responsibility for these appointments[3].

Early in 1878 the state of Egyptian finance was again critical, and the government evaded the execution of Decrees granted against it by the International Courts. On 30th March appeared a Decree appointing a Commission of Enquiry, consisting of the four commissioners of the Caisse, with M. de Lesseps as President, and Major Baring and Riaz Pasha as Vice-Presidents. Their report, dated 19th August, was accepted on the 28th by the Khedive[4], who accordingly, with the approval of the British government, appointed Nubar Pasha prime minister, with Mr. Wilson as Minister of Finance, and M. de Blignières as Minister of Public Works. A decree of 15th December, suspended the Dual Control, and one of 17th December defined the powers of the ministers[5]. On 7th April, 1879, the Khedive, who had long been chafing against the foreign ministers, accepted a 'nationalist' cabinet under Cherif Pasha, and a report having been made by the Commission of Enquiry on the following day showing the country to be bankrupt[6], prepared a counter-plan which was published in a Decree of 22nd April[7]. The Dual Control, 1876. The Commission of Enquiry of 1878. The foreign ministers. The suspension of the Control. The Nationalist Cabinet.

The Caisse and the Consuls alike protested against this Decree, as being in violation of international obligations

[1] Parl. Papers, 1879, Egypt, No. 2, p. 28 (Texts, No. XIV).
[2] On 25th December, 1876, Parl. Papers, 1879, Egypt, No. 2, p. 22.
[3] Ib. [4] Ib. p. 230. [5] Ib. p. 326.
[6] Q. v. Parl. Papers, 1879, Egypt, No. 5, p. 97. [7] Ib. p. 159.

imposed by the judicial reforms, and the Sultan was induced to telegraph, on 26th June, an Iradé deposing Ismail, and appointing his son Tewfik to be Khedive in his place[1].

Deposition of Ismail.

Appointment of Tewfik.

The Firman granted to Tewfik allowed to him so much less liberty of action than was enjoyed by his father that, on the remonstrance of the representatives of the Powers at Constantinople, it was superseded by another, dated 2nd August, which was read at the citadel of Cairo on the 14th of that month[2]. Even under the revised Firman the Khedive is prohibited from contracting loans without the consent of existing creditors, and from maintaining more than 18,000 troops.

Revival of the Dual Control.

The foreign ministers were not reinstated under the new Khedive, but the Dual Control was revived; Major Baring and M. de Blignières succeeding by a Decree of 4th September to the positions formerly occupied by Mr. Romaine and M. de Malaret; and the powers of the Controllers were newly defined by a Decree of 15th November[3]. The English and French Controllers were to have equal authority, to have the right of being present at Councils of Ministers, and, though nominally Egyptian officials, were not to be removed without the consent of their respective Governments. The Controllers were instructed by Lord Salisbury and M. Waddington to make the Khedive understand that the establishment in Egypt of political influence on the part of any other Power, in competition with that of England and France, would not be tolerated[4].

The Rothschild decree.

On 19th December a Decree was issued, with the assent of all the Powers, as to the advances of the Rothschilds[5].

The Commission of Liquidation.

On 31st March, 1880, a Declaration was signed by the Consuls-General of the five powers, promising to accept the decision (and get it accepted by the other powers) of a proposed 'Commission of Liquidation,' and also to consent that

[1] Parl. Papers, 1880, Egypt, No. 1. [2] Ib. p. 43; q. v. infra, Texts, No. IX.
[3] Ib. p. 138. [4] Ib. 1884, Egypt, No. 14.
[5] Ib. 1880, Egypt, No. 1, pp. 136, 160 (Texts, No. XV).

the decision of the Commission should be binding upon the mixed Courts[1]. The Commission, consisting of two Englishmen, two Frenchmen, one German, one Austrian, and one Italian, was appointed by a Decree of the same date, and presented its report on 17th April[2].

The Law of Liquidation, 1880.

A 'Law of Liquidation' in accordance with this report was sanctioned by a Decree of 17th July, 1880[3], and all the Powers interested in the mixed Courts had assented to it before the end of August[4]. By this law, which reduces the interest on the unified debt to 4 per cent., and abolishes the Moukabalah, an International authority is for the first time given to the *Caisse*.

The Chamber.

During the year 1881 the so-called Nationalist party made considerable progress, and the 'Chamber of Delegates,' which had nominally existed since 1866, was opened on 25th December.

Arabi, 1882.

In January, 1882, the Chamber claimed, as against the Dual Control, to regulate the Budget. A new ministry came in under Mahmoud Samy, with Arabi as Minister for War. On 8th February the Controllers-general presented a joint note to the Government, and on 12th March M. de Blignières resigned his Controllership.

The Conference at Constantinople.

Then came the military plots and counterplots, the massacres of Alexandria, and the suppression of Arabi and his party by Great Britain single-handed; France, under the Freycinet ministry, declining to take part in the work, and Turkey hesitating to accept the British invitation to do so till it was too late. The Conference of Ambassadors, held at Constantinople from June to August, with reference principally to the intervention of Turkey in the campaign, and to the temporary measures which might become necessary for the protection of the Suez Canal, threw but

[1] Parl. Papers, 1880, Egypt, No. 2.
[2] Ib. 1884, Egypt, No. 10.
[3] Q. v. Parl. Papers, 1880, Egypt, No. 4; infra, Texts, No. XVII.
[4] Parl. Papers, 1884, Egypt, No. 10.

little light upon the international aspects of the questions at issue [1].

Tel-el-Kebir.

The battle of Tel-el-Kebir was fought on 13th September. In the following month Lord Dufferin was sent to Cairo to report upon the situation. In December England agreed, though France demurred, to the abolition of the Dual Control which was effected by a Decree of 18th January, 1883 [2]. During this year Egypt continued under the *de facto* control of England, and little occurred to define her international position, beyond the repeated assurances of the English Government that its forces would be withdrawn at an early date. But in 1884 it became evident that the revenues of the country were insufficient to meet its expenditure without some relaxation of the Law of Liquidation. Preliminary negotiations took place with France, of which Parliament was informed in June, and on the 28th of that month a Conference of the Great Powers met at London for the discussion of the Egyptian question, primarily in its financial aspects. The Conference, at which the Ottoman representative took occasion to call attention to the Sovereign rights of the Sultan, broke up, without arriving at any conclusions, on 2nd August [3].

The Dual Control abolished.

The Conference at London, 1884.

The next step taken by the British government was to send Lord Northbrook to Egypt to examine into the state of its finances on the spot. On his recommendation the operation of the sinking fund provided by the Law of Liquidation was suspended by a ministerial letter, dated 18th September, till 25th October [4]. The illegality was hardly to be avoided, but an action was thereupon commenced by the Caisse against the government, in which judgment was given

The suspension of the sinking fund.

[1] Unless it be that Lord Granville consented that the final Protocol might declare: 'that an amicable understanding exists between the European Cabinets that no definitive settlement of the Egyptian question is to take place except with the 'communication' or 'consultation' [not 'cooperation'] of all the powers. Parl. Papers, 1882, Egypt, Nos. 17, 18.

[2] Parl. Papers, 1883, Egypt, No. 6, p. 32.

[3] Ib. 1884, Egypt, No. 29.

[4] Ib. 1884, Egypt, No. 36.

for the plaintiffs by the Mixed Court of First Instance on 9th December. In the meantime Lord Northbrook had made his report, and the ministry, towards the end of November, submitted to the Powers a scheme under which England would guarantee a new loan of £5,000,000, at 3½ per cent., while a further loan of £4,000,000 was to be added to the Preference Debt, and the interest on the Unified Debt was to be reduced to 3½ per cent.[1] The British proposals.

This scheme was not accepted, and steps were taken by several of the Powers indicating a wish to substitute something like a 'multiple control' for the existing British supervision of Egyptian reforms. On 11th December Russia and Germany claimed to be allowed each to nominate a Commissioner of the Caisse[2]; and, on 17th January, 1885, the French government forwarded to the Foreign Office a counter-project, which received the general support of Germany, Austria, and Russia, and became the basis of fresh negotiations. At length, on 17th March, a Declaration was signed at London on behalf of the six Powers, and subsequently on behalf of the Porte, embodying a draft Convention (signed on 18th March) and a draft Decree to be issued by the Khedive. Claim for Russian and German commissioners of the Caisse. The French counter-project.

The arrangements set forth in these documents[3], and sanctioned by the House of Commons on 27th March, is to the effect that a loan of £9,000,000 is to be authorized by the Porte and guaranteed by the great Powers jointly and severally; that the Unified and Preference coupons are to be taxed for two years, but not longer without the sanction of an International Commission; and that an Act is to be drawn up providing for the freedom of the Suez Canal[4].

[1] Parl. Papers, 1885, Egypt, No. 4, p. 20.

[2] Ib. p. 52. In February, 1885, this claim was allowed; ib. No. 5, pp. 11, 19. A similar claim was afterwards made on behalf of the Porte.

[3] Ib. No. 6 (Texts, No. XVIII).

[4] During the negotiations with France, in 1884, Lord Granville proposed that Egypt should be neutralised. In a circular dispatch of 3rd January, 1883, he had proposed that this process should be applied to the Suez Canal only. Parl. Papers, 1882, Egypt, No. 20, p. 48.

The principles on which Texts selected.

The collection of Texts illustrative of the international position of Egypt has been made upon a principle somewhat different from that followed in previous chapters. The relations of the Khedivial government to the Sultan on the one hand, and to the Powers on the other, are so ambiguous that it has been thought better to err on the side of inserting too many documents rather than too few. Thus, in order better to explain the Khedive's *quasi*-independence of the Porte, the whole series of Firmans, from 1841 to 1879, has been set out, though some of them were not submitted to the Powers, and only those of 1873 and 1879 are now in force. In like manner several of the financial Decrees have been superseded to an extent greater than could well be expressed by italicizing portions of them; but without setting out *in extenso* these earlier Decrees the later ones could hardly have been made intelligible.

TEXTS.

No. I[1].

1841, 1st June. *Firman addressed by the Sultan to Mehemet Ali, Pasha of Egypt, relative to hereditary succession, the levying of taxes in the name of the Porte, the coinage of money, and the number of troops to be raised for service in Egypt, 1st June, 1841.*

The act of submission which thou hast just made, the assurances of fidelity and devotion which thou hast given, and the upright and sincere intentions which thou hast manifested, as well with regard to myself as in the interests of my Sublime Porte, have come to my sovereign knowledge, and have been very agreeable to me.

[1] Parl. Papers, 1879, Egypt, No. 4, p. 36.

In consequence, and as the zeal and sagacity by which thou art characterized, as likewise the experience and knowledge which thou hast acquired in the affairs of Egypt during the long space of time that thou hast held the post of Governor of Egypt, give reason to believe that thou hast acquired a title to the favour and to the confidence which I may grant to thee, that is to say, that thou wilt be sensible of their full extent, and all the gratitude which thou shouldst have for them, that thou wilt apply thyself to cause these feelings to descend to thy sons and thy nephews, I grant unto thee the Government of Egypt within its ancient boundaries, such as they are to be found in the map which is sent unto thee by my Grand Vizier now in office, with a seal affixed to it, together with the additional privilege of hereditary succession, and with the following conditions:—

Grant of the Government hereditarily.

Henceforth, when the post shall be vacant, the Government of Egypt shall descend in a direct line, from the elder to the elder, in the male race among the sons and grandsons. As regards their nomination, that shall be made by my Sublime Porte.

The order of succession.

If at any time fate should decide that the male line should become extinct, as in that case it will devolve upon my Sublime Porte to confer the Government of Egypt on another person, the male children, issue of the daughters of the Governors of Egypt, shall possess no right to, no legal capacity for, the succession of the Government.

No succession through females

Although the Pashas of Egypt have obtained the privilege of hereditary succession, they still must be considered as far as precedency is concerned, to be on a footing of equality with the other Viziers, they shall be treated like the other Viziers of my Sublime Porte, and they shall receive the same titles as are given to the other Viziers when they are written to.

Precedency of Pashas.

The principles founded on the laws of security of life, of the security of property, and the preservation of honour, principles recorded in the salutary ordinances of my Hatti Sheriff of Gulhané[1]*; and all the regulations made and to be made by my Sublime Porte shall also be put in practice in Egypt, reconciling them in the best way possible with the local circumstances*

Ottoman law to prevail in Egypt.

[1] Appendix, No. I.

Treaties. *and with the principles of justice and of equity. All the Treaties concluded and to be concluded between my Sublime Porte and the friendly Powers, shall be completely executed in the Province of Egypt likewise.*

Taxes. *In Egypt, all the taxes, all the revenues, shall be levied and collected in my sovereign name; nevertheless, as the Egyptians are likewise the subjects of my Sublime Porte, and in order that they may not one day be oppressed, the tithe, the duties, and the other taxes which are levied there, shall be so, in conformity with the equitable system adopted by my Sublime Porte; and care shall be taken to pay, when the period for payment shall arrive, out of the customs duties, the capitation tax, the tithe, the revenues, and other produce of the Province of Egypt, the annual tribute of which the amount is inserted and defined in another Imperial Firman*[1].

The Holy Cities. *It being customary to send every year from Egypt provisions in kind to the two Holy Cities, the provisions and other articles, whatever they may be, which have up to this time been sent thither, shall continue to be sent to each place separately.*

Coinage. *As my Sublime Porte has taken the resolution of improving the coin, which is the soul of the operations of society, and of effecting this in such a manner that henceforth there can be no variation either in the alloy, or in the value, I grant permission for money to be coined in Egypt; but the gold and silver monies which I permit thee to coin shall bear my name, and shall resemble in all respects, as regards their determination, value, and form, the monies which are coined here.*

Army. *In time of peace, 18,000 men will suffice for the internal service of the province of Egypt; it shall not be allowed to increase their numbers. But as the land and sea forces of Egypt are raised for the service of my Sublime Porte, it shall be allowable, in time of war, to increase them to the number which shall be deemed suitable by my Sublime Porte.*

The principle has been adopted that the soldiers employed in the other parts of my dominions shall serve for five years, at the end of which term they shall be exchanged for recruits. That

[1] Infra, p. 114.

being the case, it would be requisite that the same system should also be observed in Egypt in that respect. But with regard to the duration of the service, the dispositions of the people shall be attended to, observing what is required by equity with regard to them.

Four hundred men shall be sent every year to Constantinople to replace others.

Uniforms and Flags.

There shall be no difference between the distinguishing marks and the flags of the other troops which shall be employed there, and the distinguishing marks and the flags of the other troops of my Sublime Porte. The officers of the Egyptian navy shall have the same distinguishing marks of ranks, and the Egyptian vessels shall have the same flags as the officers and vessels of this place.

Commissions.

The Governor of Egypt shall appoint the officers of the land and sea forces up to the rank of Colonel. With regard to the appointments to ranks higher than that of Colonel, that is to say, of Pashas Miri livi (Brigadier-Generals), and of Pashas Ferik (Generals of Division), it will be absolutely necessary to apply for permission for them, and to take my orders thereupon.

Ships of War.

Henceforth the Pashas of Egypt shall not be at liberty to build vessels of war without having first applied for the permission of my Sublime Porte, and having obtained from it a clear and positive authority.

Conditions essential.

As each of the conditions settled as above is annexed to the privilege of hereditary succession, if a single one of them is not executed, that privilege of hereditary succession shall forthwith be abolished and annulled.

Such being my supreme pleasure on all the points above specified, thou, thy children, and thy descendants, grateful for this exalted sovereign favour, ye shall always be diligent in scrupulously executing the conditions laid down, ye shall take heed not to infringe them, ye shall be careful to ensure the repose and the tranquillity of the Egyptians by protecting them from all injury and from all oppressions, ye shall report to this place, and ye shall apply for orders on all matters of importance which concern those countries, it being for these purposes that the present Imperial Firman, which is decorated with my sovereign signature, has been written, and is sent to you.

1841. May. *Firman addressed by the Sultan to Mehemet Ali, Pasha of Egypt, specifying the amount of tribute to be paid to the Sultan and the mode of payment, May, 1841.*

Thou, my Vizier above mentioned!

Amount of the Tribute. *Since thou hast been confirmed in the Government of Egypt with hereditary succession, on the determinate conditions which are inserted in another Firman, my sovereign will is, that thou shalt have to pay annually for my Sublime Porte, out of the customs duties, the tithes and the capitation tax, and out of the other revenues and products of that province, a tribute of* 80,000 *purses*[1]*; that, in order that the amount of the tribute may not vary, since the value of currency changes, the sum of* 80,000 *purses shall be calculated according to the price of the Spanish 'Colonnates' which are in circulation in Egypt; and the actual amount of the Colonnates shall be paid each year in kind, or else that its equivalent shall be paid in other good money. Such are my orders, in consequence of which the present Imperial Firman has been written and dispatched.*

Therefore when thou shalt have acquainted thyself with this matter, thou shalt act in the manner above described, and thou shalt be careful to pay to the Imperial Treasury, as soon as the time for the payment arrives, the tribute set forth above.

No. II[2].

1866. 27th May. *Firman addressed by the Sultan to the Viceroy of Egypt, modifying the order of succession, and granting certain privileges, 27th May, 1866.*

(*After the customary titles.*)

Having taken cognizance of the request which thou hast submitted to me, and in which thou informest me that the modification of the order of succession established by the Firman, addressed under date of the month of Rebiul-Akhir 1257, *to thy grandfather,*

[1] Cf. Texts, Nos. II, VIII.

[2] Parl. Papers, 1879, Egypt, No. 4, p. 41; N. R. G. xviii, 240.

Mehmed Ali Pasha, conferring on him the hereditary Government of the Province of Egypt, and confirmed by my Imperial Hatt, and the transmission of the succession from father to son in a direct line, and in order of primogeniture, would contribute to the good administration of Egypt and to the development of the welfare of the inhabitants of that province.

Appreciating, likewise, to their full extent, the efforts thou hast made with this object since thy nomination to the Governor-Generalship of Egypt, which is one of the most important provinces of my Empire, as well as the fidelity and devotion of which thou hast always given proof towards me, and wishing to confer on thee a striking proof of the full and entire confidence I repose in thee, I have determined that, henceforth, the Government of Egypt, with the territories which are annexed to it, and its dependencies, and with the Kaïmakamates of Suakin and Massowah, shall be transmitted to the eldest of thy male children, and, in the same manner, to the eldest sons of thy successors.

Change in the order of succession.

That if, in case of vacancy, the Governor-General shall leave no male issue, the succession shall be transmitted to the eldest of his brothers, and in default of brothers, to the eldest of the male children of the eldest of his defunct brothers.

Such shall henceforth be the law of succession in Egypt.

Moreover, the conditions contained in the above-mentioned Firman are and remain for ever in force as in the past; each of those conditions shall be constantly observed; and the maintenance of the privilege which is derived from those conditions shall depend on the observance in their entirety of each of the obligations which they involve.

Increase of troops.

Differentiation of coinage.

Higher Civil grades.

Those immunities granted more recently by my Imperial Government respecting the power of the Governor-General of Egypt to raise the effective force of his troops to 30,000 *men, to maintain the difference between the standard of the coins struck in Egypt in my Imperial Government, and that of the other metal currency of my Empire, and to confer the civil grades of my Government as high as that of Sanié (second rank of the first class), are likewise confirmed.*

The rule which prohibits the succession of the male descendants of the daughters of the Governors is maintained as in the past.

The tribute of 80,000 *purses paid by Egypt to the Imperial*

Increase of Tribute.

Treasury is raised to 150,000 *purses, commencing from the month of March in the year* 1866, *at the rate of* 100 *piastres to a pound Turkish, that is to say, to* 750,000 *pounds Turkish annually*[1].

My Imperial Iradé having issued in order to put into execution the preceding conditions, the present Firman, bearing at its head my Imperial writing, has been drawn up by my Imperial Chancery and delivered to thee.

Thou, on thy part, with the loyalty and zeal which characterize thee, and profiting by the knowledge thou hast acquired of the state of Egypt, shouldst devote thy care to the good administration of that country, shouldst labour to ensure to its population complete tranquillity and security, and, in recognition of the value of the proof I have just given thee of my Imperial favour, shouldst carefully observe the conditions above laid down.

Written the 12*th day of the month of Moharem, in the year of the Hegira* 1283 (27*th May*, 1866).

No. III[2].

1866. 15th June.

Regency.

Firman addressed by the Sultan to the Viceroy of Egypt, settling the mode of appointing a Regency, in the case of His Highness dying before his son should attain the age of 18 *years,* 15*th June,* 1866.

(The text of this Firman is omitted, as relating to a question of no general interest, now regulated by the Firman of 1873.)

No. IV[3].

1867. 8th June.

Firman addressed by the Sultan to the Khedive of Egypt, confirming the privilege of hereditary succession, and the right to conclude commercial and other treaties, having no political significance, 8*th June* 1867.

The Pasha is addressed as Khedive.

To my illustrious Vizier Ismaïl Pasha, who now holds the rank of Grand Vizier, with the title of 'Khidev' of Egypt, and

[1] Cf. Texts, No. VIII. [2] Parl. Papers, ibid., p. 43.

[3] Parl. Papers, ibid.; N. R. G. xviii, 242.

who is decorated with the Orders of the Medjidié and Osmanié of the First Class in Diamonds. May God perpetuate his glory and increase his power and prosperity.

(After epithets applied to all Pashas holding the rank of Vizier:)

Be it known on the arrival of this my Imperial Firman, that, as is also mentioned in my Firman granting the privilege of hereditary succession to the Viceroyalty (Kidiviet) of Egypt, those fundamental laws which are in force in other parts of my dominions shall be maintained and respected in Egypt. Now by fundamental laws are meant all those principles laid down in the Imperial Rescript of Gulhaneh[1]. *But, inasmuch as the internal administration of the province, and consequently its financial, material, and other interests are confided to the Government of Egypt, in order to preserve and extend those interests, it is permitted to that Government to frame such regulations as may seem necessary in the form of 'special Tanzimat for the Interior.' In like manner, whilst all the Treaties of the Sublime Porte must be respected in Egypt, an exception is made only as regards the customs duties, and as regards foreigners in matters relating to the police, postal, and transit services, for which full powers are given to thee to enter into special arrangements with foreign agents. But such arrangements must not take the form of Treaties or Conventions having any political signification or purport. And in the event of their being inconsistent with the principles laid down above, or opposed to my original sovereign rights, it will be necessary to hold them as null and void.*

The Khedive may make laws for the interior and non-political conventions.

Wherefore the question of conformity or non-conformity to these principles in matters where a doubt exists as regards Egypt must be referred to my Sublime Porte previously to such arrangements being concluded.

And when in the manner explained above any special arrangements are entered into concerning the customs duties in Egypt, information thereof must be transmitted to my Sublime Porte.

Customs conventions to be transmitted to Porte.

Also, when any Conference respecting Commercial Treaties takes place between my Government and other Powers, in order that the commercial interests of Egypt may be attended to, the opinions of the Egyptian Administration shall be consulted thereon.

Egypt will be consulted on Commercial Treaties.

[1] Of 3rd November, 1839; q. v. Appendix I.

In proclamation of which this my Imperial Firman, dated 5 Sefer, 1284 (8th June, 1867), is now addressed to thee.

No. V[1].

1869. 29th Nov. *Firman addressed by the Sultan to the Khedive of Egypt, relative to the levying of taxes in the name of the Sultan, and to contracts for foreign loans being submitted to the Sultan for approval, 29th November, 1869.*

(*After the usual titles.*)

It is superfluous for me to say how much I have at heart the prosperity of the important Province of Egypt, and the increase of the well-being and security of its inhabitants. While giving serious attention to the maintenance intact of the internal privileges granted to the Egyptian administration, it is, at the same time, my duty to look to the strict accomplishment of the obligations of that Administration, whether towards my Crown or towards the inhabitants of the province.

For this reason, I have accepted the explanations which thou hast given, and the engagements which thou hast taken relative to armaments and ships of war, as also respecting the external relations of the province, in the letter of the 10th Djemazi-ul-Ewel, 1286, which thou hast written in answer to that which my Grand Vizier had addressed to thee on the 18th Rebi-ul-Akhir, 1286, by my sovereign order.

Still, as the financial question is a vital one for every country, if the rate of the taxes is beyond the means of the tax-payers, or if the yield of these taxes is absorbed in fruitless expenditure, instead of being employed for the real requirements of the country, there is undoubtedly a risk of losses and incalculable dangers.

For this reason the Sovereign of the country has the sacred and unimpeachable right anxiously to watch over this important object; and in order that there should be no doubt or misunderstanding in this respect, I have decided to give thee the following explanations, which shall also be made generally known. According to the fundamental conditions, then, which form the basis

[1] Parl. Papers, ibid. p. 45.

of the Egyptian Administration, all taxes and dues should be assessed and levied in my name. I could not, therefore, in any way consent to the sums yielded by these taxes being employed otherwise than for the real requirements of the country, or to the inhabitants being burdened with new taxes without legitimate and recognized necessity. It is therefore my absolute decision that thy care and thy zeal should unceasingly be directed to these two important objects, as also to the necessity that my Egyptian subjects should be always treated with justice and equity.

Taxes not to be unnecessarily increased.

Moreover, as foreign loans pledge for many years the revenues of the country, I cannot permit that sums raised from the revenues of Egypt should be applied to the service of a loan, unless all the details of the reasons for having recourse thereto have been submitted to my Imperial Government, and unless my permission has been previously obtained.

Loans not to be contracted without leave of Porte.

It is therefore my desire that no loan should ever be made unless the necessity for having recourse to it be clearly established, and my permission previously obtained.

Thou wilt henceforth conform thy acts and thy conduct to the formal terms of my present Imperial Firman, which is in every particular in accordance with our respective rights and duties, as also to precedents.

The 22nd Chaban, 1286 (*November* 29, 1869).

No. VI[1].

Firman addressed by the Sultan to the Khedive of Egypt, cancelling the restrictions imposed by the Firman of 29th November, 1869, *and confirming the privileges accorded by the Firman of 8th June*, 1867. *10th September*, 1872.

1872. 10th Sept.

The privileges granted to the Egyptian Government on the part of our Imperial Government, with the object of developing the prosperity of Egypt, are connected with the entire accomplishment by the said Government of certain duties and conditions that have been laid down towards our Imperial Government,

[1] Parl. Papers, 1879, Egypt, No. 4, p. 46.

duties and conditions of which the value has been assured and fixed by our Imperial orders, previously issued.

By our Imperial Firman dated the 5th Safer, 1284[1], *the internal administration of Egypt, and consequently its financial, material, and other interests, have devolved on the Egyptian Government.*

Our Imperial favour has granted it all that is connected with the development of internal organization and general progress.

In this state of things, thou hast submitted to me that some restrictions and exceptions contained in my Firman of the 22nd Chaban, 1286[2], *were creating serious obstacles to the complete development of the prosperity of Egypt.*

It is evident that the prosperity of the country and the welfare of my subjects are both, in my eyes, of the highest importance, and the object of my dearest wishes.

The realization of these wishes naturally depends on the means and facilities granted to satisfy requirements which result from them.

As such has been my Imperial will, it is contrary to my desire that the progress and prosperity of Egypt should be obstructed by restrictions placed on the privileges which my sovereign munificence had granted to the Egyptian Government in its material and financial interests.

The Firman of 1867 maintained.

I have therefore ordered the maintenance in full of the privileges granted by my Firman dated the 5th Safer, 1284, and I have issued this supreme order from my Sublime Porte, and given it to thee.

The 7th day of Redjeb, 1289 (September 10, 1872).

No. VII[3].

1872. 25th Sept.

Imperial Khatt addressed by the Sultan to the Khedive of Egypt, renewing the authority to contract foreign loans. 25th September, 1872.

The material and financial administration of Egypt having been conferred on thee, in every respect and entirely, by my various Imperial Firmans, the power of making foreign loans, and of devoting them to the welfare of Egypt, is included in the privileges specially granted to the Egyptian Government.

[1] I. e. 8th June, 1867. [2] I. e. 29th November, 1869.

[3] Parl. Papers, ibid. p. 7.

Henceforth, also, whenever, for the prosperity of the country, the necessity shall arise of contracting foreign loans, I renew and confirm to thee the authorization to borrow the necessary sums in the name of the Egyptian Government, and without requesting authority to do so. Loans may be contracted without permission.

The 22nd Redjeb, 1289 (September 25, 1872).

No. VIII[1].

Firman addressed by the Sultan to the Khedive of Egypt, relative to the Order of Succession; Regency; Internal and Financial Administration; the conclusion of Non-Political Treaties; the contracting of Loans; the Levy of Troops; Coinage; the right to build vessels of war, except Iron-clads; naval and military Flags; and the Payment of Tribute. 8th June, 1873. 1873. 8th June.

THE Firman, after the usual formula, continues as follows:—

Be it known that we have taken thy request into consideration, and that we have decided to unite in one single Firman all the Firmans and Khats Houmayoun which, since the Firman which granted the Egyptian succession to thy grandfather, Mehemet Ali, have been granted to the Khedives of Egypt, either in order to modify the manner of succession, or to accord to Egypt fresh immunities and privileges in harmony with the customs of the inhabitants, and with the character and nature of the country. It is our will that the present Firman, with all the modifications and necessary explanations included in it, and with the principles and regulations which it establishes, shall henceforth be executed and respected, and shall also in future replace the other Imperial Firmans, and that in the following manner:— Consolidation of Firmans.

The order of succession to the Government of Egypt granted by our Imperial Firman dated the 2nd Rehib-ul-ewel, 1257[2], has been so modified that the Khedivate of Order of succession.

[1] Parl. Papers, ibid. p. 49; N. R. G. xviii, 629.

[2] I. e. the Firman of 1841.

Egypt passes to thy eldest son, and after him to his eldest son, and in like manner as regards others, that is to say, that the succession is to proceed by primogeniture in the interests of the good administration of Egypt and of the welfare of its inhabitants. Again, as I have noted the care which thou bestowest on Egypt and the efforts thou art making for its prosperity, the greatness and importance of which are obvious to me, as well as the fidelity and devotion which thou hast always evinced to me, I have given thee my entire good grace and confidence, and, in order to give thee a striking proof of this, I have resolved to establish as law that the succession to the Khedivate of Egypt and its dependencies, with the Kaïmakamats of Souakin and Massowa, and their dependencies, shall pass, as aforesaid, to thy son, and after him, in conformity with the law of primogeniture, to the eldest sons of future Khedives. In the event of a Khedive leaving no male children, the Khedivate shall pass to his younger brother, and, in case he should not be surviving, to the eldest son of such younger brother. This rule is established definitely, and does not apply to the male children of the female line.

Regency. In order completely to insure the security of this order of succession, the Regency which shall govern Egypt in the event of a minority is regulated as follows: If, at the death of the Khedive, his eldest son is a minor, that is to say, if he is under 18 years of age, as by right of succession he will be actually Khedive in spite of his minority, his Firman will be immediately sent to him. If the deceased Khedive has, in his lifetime, appointed a Regency in a document which must be countersigned by two high functionaries, whose names shall appear as witnesses in the document, the Regent and the members of the Regency who have been thus named shall immediately take in hand the administration of affairs, and shall inform my Sublime Porte thereof, and my Imperial Government will confirm the Regent and the members of the Regency in their office. If the Khedive has not provided for a Regency during his life, one will be formed of the persons who may at the time be at the head of the departments of the Interior, of War, of Finance, of Foreign Affairs, of the Council of Justice, of the Army, and of the General Inspection. They

shall proceed to the nomination of a Regent in the following manner. These different Chiefs of the Administration shall elect the Regent from among themselves; this election will be made either unanimously, or by the vote of the majority. In the case of two persons obtaining an equal number of votes, the one occupying the most important office, beginning with the Department of the Interior, shall be elected Regent, and the other members shall form the Council of Regency. They shall take in hand the administration of affairs, and inform my Sublime Porte, who will confirm them in their office. Whether the Regent and the Council of Regency have been instituted by the Khedive during his lifetime, or whether the Regency shall have been constituted by election, in neither case can any of the members be changed. If one of the members should happen to die, the surviving members shall choose and name another Egyptian functionary to replace him. If it is the Regent who happens to die, the Members of the Council shall choose his successor from among themselves, and shall appoint another Egyptian functionary to the place which the new Regent occupied in the Council. When the Khedive who is a minor has attained the age of 18, he shall be considered of age, and shall administer the affairs of the Government.

I attach the greatest importance to the prosperity of Egypt, to the well-being, tranquillity, and security of its population, and since these are matters which depend on the civil and financial administration of the country, as well as upon the development of the material and other interests of the country, which are under the control of the Egyptian Government, we mention as follows, with modifications and explanations, all the privileges which my Imperial Firman has accorded, whether formerly or for the first time, to the Egyptian Government, in order that they may be for ever possessed by succeeding Khedives:—

Administration and internal legislation committed to Khedive.

The civil and financial administration of the country, and all interests, material or otherwise, are in every respect under the control of the Egyptian Government, and are confided to it, and as the administration, the maintenance of order in any country, and the development of the riches and prosperity of the population spring from the harmony to be established between

the facts, the general relations, the condition and the nature of the country, as well as the disposition and the customs of the inhabitants, the Khedive of Egypt is authorized to make internal regulations and laws as often as it may be necessary.

He may make non-political Treaties.

He is also authorized to renew and to contract (without interfering with the political Treaties of my Sublime Porte) Conventions with the Agents of foreign powers for customs and trade, and for all relations which concern foreigners, and all the affairs of the country, internal or otherwise, with the object of developing commerce and industry, and to arrange the police for foreigners as well as their position, and all their relations with the Government and the population.

Khedive may contract loans without permission,

The Khedive has complete and entire control over the financial affairs of the country. He has full power to contract, *without leave,* in the name of the Egyptian Government, any foreign loan, whenever he may think it necessary.

and maintain troops without restriction.

The first and most essential duty of the Khedive being to guard and defend the country, he has full and entire authority to provide for all the means and establishments for defence and protection according to the exigencies of time and place, and to increase or diminish the number of my Imperial Egyptian troops as may be required, *without any restriction being imposed upon him.*

Commissions.

Coinage.

Flags.

Ships of war.

The Khedive will retain, as before, the privilege of conferring ranks in the military Order up to the rank of Colonel, and in the civil Order up to the rank of Raubci Sanick. The money coined in Egypt should be struck in my Imperial name; the flags of the land and sea forces will be the same as the flags of my other troops; and, as regards ships of war, iron-clads alone shall not be constructed without my permission.

By my Imperial order reproducing the above provisions, I cause this illustrious Firman, headed by my Imperial signature, to be transmitted to thee by my Imperial Divan. This Firman comprises and completes (with explanations and modifications) all the Firmans and Imperial Khats which have hitherto been granted to the Egyptian Government, whether instituting the order of succession and the form of the Regency in case of necessity, or for the civil, military, and

financial administration, as well as for the interests of the country, whether material or otherwise.

It is in accordance with my Imperial wish that the rules and principles contained in this Firman should be for ever observed and executed, instead of and in place of all others contained in my previous Firmans.

As for thyself, thou wilt faithfully execute the conditions stipulated in this Firman in accordance with thy character full of uprightness and zeal, and with the knowledge which thou hast acquired of the condition of Egypt, and thou wilt endeavour to administer the country well, and to assure by all possible means the tranquillity of the inhabitants, and thereby show thy gratitude for my favours and my Imperial kindnesses towards thee.

Thou wilt also pay great attention to remitting to my Imperial Treasury, every year, without delay, and in its entirety, the fixed tribute of 150,000 purses.

13 Rebiul Akhir, 1290 (8th June, 1873).

No. IX [1].

Firman granting to Tewfik Pasha the Khediviate of Egypt. 2nd August 1879. 1879. 2nd Aug.

À MON Vizir éclairé Tewfik Pacha, appelé au Khédiviat d'Égypte avec le haut rang de Tédaret effectif, décoré de mes Ordres Impériaux de l'Osmanié et du Medjidié en brillants, que le Tout-Puissant perpétue sa splendeur, &c., &c.

Ismaïl Pacha, Khédive d'Égypte, ayant été relevé de ses fonctions ce 6 Rebjeb 1296, eu égard à tes services, à ta droiture, et à ta loyauté tant à ma personne qu'aux intérêts de mon Empire, à ton expérience des affaires d'Égypte, à ta capacité pour réformer la mauvaise situation dont ce pays souffre depuis quelque temps, et conformément à la règle établie par le Firman du 12 Mouharrem, 1283[2], pour la transmission du Khédiviat par ordre de primogéniture, de fils aîné en fils aîné, nous avons conféré à toi, en ta qualité de fils aîné Tewfik to be Khedive.

[1] Parl. Papers, 1880, Egypt, No. 1, p. 51; N. R. G., 2me Série, vi. 508.

[2] Supra, Texts, No. II.

d'Ismaïl Pacha, le Khédiviat d'Égypte, tel qu'il se trouve formé par ses anciennes limites et en y comprenant les territoires qui y ont été annexés.

L'accroissement de la prospérité de l'Égypte et la consolidation de la sécurité et de la tranquillité de ses habitants, constituant l'objet de notre plus haute sollicitude, nous avions rendu, il y a quelque temps, dans ce but, un Firman Impérial[1] qui confirmait aussi les priviléges anciens de cette contrée. Cependant quelques-unes des dispositions du susdit Firman ayant donné lieu aux difficultés actuelles, en vue de confirmer ceux de ces priviléges qui doivent être maintenus intacts, et de corriger et améliorer ceux de ces priviléges qui ont paru nécessiter quelques modifications, nous avons fait insérer, ci-après, les dispositions suivantes:

Taxation. Tous les impôts de cette province seront perçus en món nom. Les habitants d'Égypte étant de mes sujets, et ne devant comme tels subir la moindre oppression ni acte arbitraire, à

Administration. cette condition le Khédiviat d'Égypte, auquel est confiée l'administration civile, financière, et judiciaire du pays, aura la

Interior legislation. faculté d'élaborer et d'établir, d'une manière conforme à la justice, tous règlements et lois intérieurs nécessaires à cet égard.

Commercial Conventions Le Khédive sera autorisé à contracter et à renouveler, sans porter atteinte aux Traités politiques de mon Gouvernement Impérial, ni à ses droits souverains sur ce pays, les Conventions avec les Agents des Puissances Étrangères pour les douanes et le commerce et pour toutes les transactions avec les étrangers concernant les affaires intérieures, et cela dans le but de développer le commerce, l'industrie, et l'agriculture, et de régler la police des étrangers et tous leurs rapports avec

to be communicated to the Porte. le Gouvernement et la population. Ces Conventions seront communiquées à ma Sublime Porte avant leur promulgation par le Khédive[2].

[1] I. e. Texts, No. VIII.

[2] The meaning of these words is explained in the following note, addressed by Sawas Pasha to Sir A. H. Layard:—

Sublime Porte, le 29 Juillet, 1879.

M. l'Ambassadeur,

J'AI eu l'honneur de recevoir la note collective en date du 28 Juillet, signée par votre Excellence et par son collègue de France, relative à la clause suivante contenue dans le Firman Impérial destiné à Son Altesse Tewfik Pacha:

Le Khédive aura la disposition complète et entière des affaires financières du pays. Mais il n'aura pas le droit de contracter des emprunts, sauf pour ce qui concerne exclusivement le règlement de la situation financière présente, et en parfait accord avec ses présents créanciers ou les délégués chargés officiellement de leurs intérêts. Restrictions on contracting loans;

Le Khédiviat ne saura, sous aucun prétexte ni motif, abandonner à d'autres, en tout ou en partie, les priviléges accordés à l'Égypte et qui lui sont confiés, et qui sont une émanation des prérogatives inhérentes au pouvoir souverain, ni aucune partie du territoire[1]. or assignment of privileges or territory.

L'Administration Égyptienne aura soin de payer régulièrement le tribut annuel fixé à £ T. 750,000. Tribute.

La monnaie sera frappée en Égypte en mon nom. Coinage.

En temps de paix 18,000 hommes de troupes suffisent pour la garde intérieure de l'Égypte. Ce chiffre ne doit pas être Troops.

'Ces Conventions seront communiquées à ma Sublime Porte avant leur promulgation par le Khédive.'

En réponse, je m'empresse de déclarer à votre Excellence, au nom de la Sublime Porte, que cette clause exclut toute obligation de la part du Khédive d'obtenir la sanction ou l'autorisation du Sultan pour promulguer ou mettre en pratique les dites Conventions; toutefois, la Sublime Porte se réservant le droit de refuser de reconnaitre ou de sanctionner les dites Conventions, et devant toujours être à temps pour le faire si elles portaient atteinte aux Traités politiques de la Sublime Porte, ou à ses droits, souverains sur ces pays, comme il est dit dans le texte même du Firman. Veuillez, &c.

(Signé) SAWAS.

The Collective note to the Porte, of 28 July, was officially communicated on 27 August by the Consuls-General of Great Britain and France to the Khedive.

[1] The meaning of this paragraph is explained in the following note addressed by Sawas Pasha to Sir A. H. Layard:—

Sublime Porte, le 2 Août, 1879.

M. l'Ambassadeur,

DANS la conversation que votre Excellence et son collègue de France ont eu Mercredi matin avec son Altesse le Premier Ministre, il a été convenu, sur votre proposition, que, pour éviter toute obscurité sur le sens du paragraphe: 'Le Khédive ne saura sous aucun motif ni prétexte abandonner à d'autres, en tout ou en partie, les priviléges accordés à l'Égypte, et qui lui sont confiés comme une émanation des prérogatives inhérentes au pouvoir souverain, ni aucune partie du territoire,' déclaration serait faite 'que le présent Firman ne restreint en rien, sauf ce qui y est expressément relaté, les droits, priviléges, et prérogatives précédemment et personnellement accordés aux Khédives d'Égypte.'

D'ordre de son Altesse j'ai l'honneur de vous faire cette déclaration, en vous priant d'en prendre acte. Veuillez, &c.

(Signé) SAWAS.

dépassé. Cependant, comme les forces Égyptiennes de terre et de mer sont destinées aussi au service de mon Gouvernement, dans le cas où la Sublime Porte se trouverait engagée dans une guerre, leur chiffre pourra être augmenté dans la proportion jugée convenable.

Flags and uniform. Les drapeaux des forces de terre et de mer et les insignes des différents grades des officiers seront les mêmes que ceux de mes armées.

Commissions. Le Khédiviat aura le droit de conférer aux officiers de terre et de mer jusqu'au grade de Colonel inclusivement et aux employés civils jusqu'au grade de Sanié inclusivement.

Ironclads. Le Khédive ne pourra, comme par le passé, construire des bâtiments blindés sans l'autorisation expresse de mon Gouvernement.

Je veillerai au strict maintien des conditions qui précèdent, et qui ayant été sanctionnées par mon Iradé Impérial, ont été consignées dans mon présent, orné de mon autographe Impérial, et qui te sera remis par Ali Fuad Bey.

No. X[1].

Règlement d'organisation judiciare pour les procès-mixtes en Égypte.

TITRE PREMIER.

Civil jurisdiction. JURIDICTION EN MATIÈRE CIVILE ET COMMERCIALE.

CHAPITRE PREMIER.—**Tribunaux de première instance et cour d'appel.**

§ I. *Institution et composition.*

ART. I. Il sera institué trois tribunaux de première instance à Alexandrie, au Caire et à Zagazig.

ART. II. Chacun de ces tribunaux sera composé de sept juges: quatre étrangers et trois indigènes.

Les sentences seront rendues par cinq juges, dont trois étrangers et deux indigènes.

L'un des juges étrangers présidera avec le titre de vice-

[1] Annuaire de l'Institut de Droit International, 1877, p. 321.

président, et sera désigné par la majorité absolue des membres étrangers et indigènes du tribunal.

Dans les affaires commerciales, le tribunal s'adjoindra deux négociants, un indigène et un étranger, ayant voix délibérative et choisis par voie d'élection.

ART. III. Il y aura à Alexandrie une cour d'appel composée de onze magistrats, quatre indigènes et sept étrangers.

L'un des magistrats étrangers présidera sous le titre de vice-président et sera désigné de la même manière que les vice-présidents des tribunaux.

Les arrêts de la cour d'appel seront rendus par huit magistrats, dont cinq étrangers et trois indigènes.

ART. IV. Le nombre des magistrats de la cour d'appel et des tribunaux pourra être augmenté si la cour en signale la nécessité pour le besoin du service, sans altérer la proportion fixée entre les juges indigènes et étrangers.

En attendant, dans le cas d'absence ou d'empêchement de plusieurs juges à la fois de la cour d'appel, ou du même tribunal, le président de la cour pourra les faire suppléer, s'il s'agit de juges étrangers, par leurs collégues des autres tribunaux ou par les magistrats étrangers de la cour d'appel; lorsque l'un des magistrats de la cour sera ainsi délégué à intervenir aux audiences d'un des tribunaux, il en aura la présidence.

ART. V. La nomination et le choix des juges appartiendront au gouvernement égyptien; mais, pour être rassuré lui-même sur les garanties que présenteront les personnes dont il fera choix, il s'adressera officieusement aux ministres de la justice à l'étranger, et n'engagera que les personnes munies de l'acquiescement et de l'autorisation de leur gouvernement.

ART. VI. Il y aura dans la cour d'appel et dans chaque tribunal un greffier et plusieurs commis-greffiers assermentés, par lesquels il pourra se faire remplacer.

ART. VII. Il y aura aussi près la cour d'appel et de chaque tribunal des interprètes assermentés en nombres suffisant, et le personnel d'huissiers nécessaires qui seront chargés du service de l'audience, de la signification des actes et de l'exécution des sentences.

ART. VIII. Les greffiers, huissiers et interprètes seront d'abord nommés par le gouvernement, et, quant aux greffiers,

ils seront choisis pour la première fois à l'étranger parmi les officiers ministériels qui exercent ou qui ont déjà exercé, ou parmi les personnes aptes à remplir les mêmes fonctions à l'étranger, et pourront être révoqués par le tribunal auquel ils seront attachés.

§ II. *Compétence.*

ART. IX. Ces tribunaux connaîtront seuls de toutes les contestations en matière civile et commerciale, entre indigènes et étrangers et entre étrangers de nationalités différentes en dehors du statut personnel.

Ils connaîtront aussi de toutes les actions réelles immobilières entre toutes personnes, même appartenant à la même nationalité.

Suits against the government.

ART. X. Le gouvernement, les administrations, les daïras de S. A. le Khédive et des membres de sa famille seront justiciables de ces tribunaux dans les procés avec les étrangers[1].

ART. XI. Ces tribunaux, sans pouvoir statuer sur la propriété du domaine public ni interpréter ou arrêter l'exécution d'une mesure administrative, pourront juger, dans les cas prévus par le Code civil, les atteintes portées à un droit acquis d'un étranger, par un acte d'administration.

ART. XII. Ne sont pas soumises à ces tribunaux les demandes des étrangers contre un établissement pieux en revendication de la propriété d'immeubles possédés par cet établissement, mais ils seront compétents pour statuer sur la demande intentée sur la question de possession légale, quel que soit le demandeur ou le défendeur.

ART. XIII. Le seul fait de la constitution d'une hypothèque en faveur d'un étranger sur les biens immeubles, quels que soient le possesseur et le propriétaire, rendra ces tribunaux compétents pour statuer sur la validité de l'hypothèque et sur toutes ses conséquences jusques et y compris la vente forcée de l'immeuble, ainsi que la distribution du prix.

ART. XIV. Les tribunaux délégueront un des magistrats, qui, agissant un qualité de juge de paix, sera chargé de concilier les parties et de juger les affaires dont l'importance sera fixée par le Code de procédure.

[1] Cf. Decree of 2nd May, 1879 (Texts, No. XII), Art. 4, and Law of Liquidation (Texts, No. XVII), Arts. 38, 57.

§ III. *Audiences.*

ART. XV. Les audiences seront publiques, sauf les cas où le tribunal, par une décision motivée, ordonnera l'huis-clos dans l'intérêt des bonnes mœurs ou de l'ordre public ; la défense sera libre.

ART. XVI. Les langues judiciaires employées devant le tribunal pour les plaidoiries et la rédaction des actes et sentences seront les langues du pays, l'italien et le français.

ART. XVII. Les personnes ayant le diplôme d'avocat seront seules admises à représenter et défendre les parties devant la cour d'appel.

§ IV. *Exécution des sentences.*

ART. XVIII. L'exécution des jugements aura lieu en dehors de toute action administrative consulaire ou autre, sur l'ordre du tribunal. Elle sera effectuée par les huissiers du tribunal avec l'assistance des autorités locales, si cette assistance devient nécessaire, mais toujours en dehors de toute ingérence administrative.

Seulement, l'officier de justice chargé de l'exécution par le tribunal est obligé d'avertir les consulats du jour et de l'heure de l'exécution, et ce, à peine de nullité et de dommages-intérêts contre lui. Le consul, ainsi averti, a la faculté de se trouver présent à l'exécution ; mais, en cas d'absence, il sera passé outre à l'exécution.

§ V. *Inamovibilité des magistrats.—Avancement.—Incompatibilité.—Discipline.*

ART. XIX. Les magistrats qui composent la cour d'appel et les tribunaux seront inamovibles.

L'inamovibilité ne subsistera que pendant la période quinquennale. Elle ne sera définitivement admise qu'après ce délai d'épreuve.

ART. XX. L'avancement des magistrats et leur passage d'un tribunal à un autre n'auront lieu que de leur consentement et sur le vote de la cour d'appel, qui prendra l'avis des tribunaux intéressés.

ART. XXI. Les fonctions de magistrats, de greffiers, com-

mis-greffiers, interprètes et huissiers seront incompatibles avec toutes autres fonctions salariées et avec la profession de négociant.

ART. XXII. Les magistrats ne seront point l'objet, de la part de l'administration égyptienne, de distinctions honorifiques ou matérielles.

ART. XXIII. Tous les juges de la même catégorie recevront les mêmes appointements. L'acceptation d'une rémunération en dehors de ces appointements, d'une augmentation des appointements, de cadeaux de valeur ou d'autres avantages matériels, entraîne, pour le juge, la déchéance de l'emploi et du traitement, sans aucun droit à une indemnité.

ART. XXIV. La discipline des magistrats, des officiers de justice et des avocats est réservée à la cour d'appel. La peine disciplinaire applicable aux magistrats, pour les faits qui compromettent leur honorabilité comme magistrat ou l'indépendance de leur vote, sera la révocation et la perte du traitement, sans aucun droit à une indemnité. La peine applicable aux avocats pour les faits qui compromettent leur honorabilité sera la radiation de la liste des avocats admis à plaider devant la cour, et le jugement devra être rendu par la cour en réunion générale à la majorité des trois quarts des conseillers présents.

ART. XXV. Toute plainte présentée au gouvernement par un membre du corps consulaire contre les juges pour cause disciplinaire devra être déférée à la cour, qui sera tenue d'instruire l'affaire.

CHAPITRE II.—Parquet.

ART. XXVI. Il sera institué un parquet à la tête duquel sera un procureur général.

ART. XXVII. Le procureur général aura sous sa direction auprès de la cour d'appel et des tribunaux des substituts en nombre suffisant pour le service des audiences et la police judiciaire.

ART. XXVIII. Le procureur général pourra siéger à toutes les chambres de la cour et des tribunaux, à toutes les cours criminelles et à toutes les assemblées générales de la cour et des tribunaux.

ART. XXIX. Le procureur général et ses substituts seront amovibles, et ils seront nommés par S. A. le Khédive.

§ VI. *Dispositions spéciales et transitoires.*

ART. XXX. Le droit de récusation péremptoire des magistrats, des interprètes et des traductions écrites sera réservé pour toutes les parties.

ART. XXXI. Il y aura, dans chaque greffe des tribunaux de première instance, un employé du Mehkémé qui assistera le greffier dans les actes translatifs de propriété immobilière et de constitution de droit de privilége immobilier, et en dressera acte qu'il transmettra au Mehkémé.

ART. XXXII. Il y aura également auprès du Mehkémé des commis délégués par le greffier du tribunal de première instance qui devront lui transmettre, pour être transcrits d'office au registre des hypothèques, les actes translatifs de propriété immobilière et de constitution de gage immobilier.

Ces transmissions seront faites sous peine de dommages-intérêts et de poursuite disciplinaire, et sans que l'omission entraîne nullité.

ART. XXXIII. Les conventions, donations et les actes de constitution d'hypothèque ou translatifs de propriété immobilière, reçus par le greffier du tribunal de première instance, auront la valeur d'actes authentiques, et leur original sera déposé dans les archives du greffe.

ART. XXXIV. Les nouveaux tribunaux, dans l'exercice de leur juridiction en matière civile et commerciale, et dans la limite de celle qui leur est consentie en matière pénale, appliqueront les Codes présentés par l'Égypte aux puissances, et, en cas de silence, d'insuffisance et d'obscurité de la loi, le juge se conformera aux principes du droit naturel et aux règles de l'équité.

ART. XXXV. *Le gouvernement fera publier, un mois avant le fonctionnement des nouveax tribunaux, les codes, dont un exemplaire en chacune des langues judiciaires sera déposé jusqu'à ce fonctionnement dans chaque Mudiereh, auprès de chaque consulat, et aux greffes de la cour d'appel et des tribunaux, qui en conserveront toujours un exemplaire.*

ART. XXXVI. *Il publiera également les lois relatives au*

statut personnel des indigènes, un tarif des frais de justice, les ordonnances sur le régime des terres, des digues et canaux.

ART. XXXVII. *La cour préparera le règlement général judiciaire en ce qui concerne la police de l'audience, la discipline des tribunaux, des officiers de justice, des avocats, et les devoirs des mandataires représentant les parties à l'audience, l'admission des personnes indigentes au bureau d'assistane judiciaire, l'exercice du droit de récusation péremptoire, et la manière de procéder en cas de partage des votes, pour les jugements de la cour d'appel.*

Le projet de règlement ainsi préparé sera transmis aux tribunaux de première instance pour leurs observations, et, après une nouvelle délibération de la cour qui sera définitive, rendu exécutoire par décret du ministre de la justice.

ART. XXXVIII. *Les tribunaux en matière civile et commerciale ne commenceront à connaître des causes mixtes qu'un mois après leur installation.*

ART. XXXIX. *Les causes déjà commencés devant les consulats étrangers au moment de l'installation des tribunaux, seront jugées devant leur ancien forum jusqu'à leur solution définitive. Elles pourront, cependant, à la demande des parties et avec le consentement de tous les intéressés, être référées aux nouveaux tribunaux.*

ART. XL. Les nouvelles lois et la nouvelle organisation judiciaire n'auront pas d'effet rétroactif.

TITRE II.

Criminal Jurisdiction.

JURIDICTION EN MATIÈRE PÉNALE ET EN CE QUI CONCERNE LES INCULPÉS ÉTRANGERS.

CHAPITRE PREMIER.—Tribunaux des contraventions, de police correctionnelle et cour d'assises.

§ I. *Composition.*

ART. I. Le juge des contraventions à la charge des étrangers sera un des membres étrangers du tribunal.

ART. II. La chambre du conseil, aussi bien en matière de délits qu'en matière de crimes, sera composée de trois juges, dont un indigène et deux étrangers, et de quatre assesseurs étrangers.

ART. III. Le tribunal correctionnel aura la même composition.

ART. IV. La cour d'assises sera composée de trois conseillers, dont un indigène et deux étrangers.

Les douze jurés seront étrangers.

Dans ces divers cas, la moitié des assesseurs et des jurés sera de la nationalité de l'inculpé, s'il le demande. Dans le cas où la liste des jurés ou des assesseurs de la nationalité de l'accusé serait insuffisante, il désignera la nationalité à laquelle ils devront appartenir pour compléter le nombre voulu.

ART. V. Lorsqu'il y aura plusieurs inculpés, chacun d'eux aura droit de demander un nombre égal d'assesseurs ou de jurés, sans que le nombre des assesseurs ou jurés puisse être augmenté, et sauf à déterminer par la voie du sort ceux des inculpés qui, à raison de ce nombre, ne pourront exercer leur droit.

§ II. *Compétence.*

ART. VI. Seront soumises à la juridiction des tribunaux égyptiens, les poursuites pour contraventions de simple police, et, en outre, les accusations portées contre les auteurs et complices des crimes et délits suivants :

ART. VII. Crimes et délits commis directement contre les magistrats, les jurés et les officiers de justice dans l'exercice de leurs fonctions, savoir :

(1) Outrages par gestes, paroles ou menaces ;

(2) Calomnies, injures, pourvu qu'elles aient été proférées, soit en présence du magistrat, du juré ou de l'officier de justice, soit dans l'enceinte du tribunal, ou publiées par voie d'affiche, d'écrits, d'imprimés, de gravures ou d'emblèmes ;

(3) Voies de fait contre leur personne, comprenant les coups blessures et homicide volontaire avec ou sans préméditation ;

(4) Voies de fait exercées contre eux ou menaces à eux faites pour obtenir un acte injuste ou illégal ou l'abstention d'un acte juste ou légal ;

(5) Abus par un fonctionnaire public de son autorité contre eux dans le même but ;

(6) Tentative de corruption exercée directement contre eux ;

(7) Recommandation donnée à un juge par un fonctionnaire public en faveur d'une des parties.

ART. VIII. Crimes et délits commis directement contre l'exécution des sentences et des mandats de justice, savoir:

(1) Attaque ou résistance avec violence ou voies de fait contre les magistrats en fonctions, ou des officiers de justice instrumentant ou agissant légalement pour l'exécution des sentences ou mandats de justice, ou contre les dépositaires ou agents de la force publique, chargés de prêter main-forte à cette exécution;

(2) Abus d'autorité de la part d'un fonctionnaire public pour empêcher l'exécution;

(3) Vol de pièces judiciaires dans le même but;

(4) Bris de scellés apposés par l'autorité judiciaire, détournement d'objets saisis en vertu d'une ordonnance ou d'un jugement;

(5) Évasion de prisonniers détenus en vertu d'un mandat ou d'une sentence et actes qui ont directement procuré cette évasion;

(6) Recel des prisonniers évadés dans le même cas.

ART. IX. Les crimes et délits imputés aux juges, jurés et officiers de justice, quand ils seront accusés de les avoir commis dans l'exercice de leurs fonctions ou par suite d'un abus de ces fonctions, savoir:

Outre les crimes et délits communs qui pourront leur être imputés dans ces circonstances, les crimes et délits spéciaux sont:

(1) Sentence injuste rendue par faveur ou inimitié;
(2) Corruption;
(3) Non-révélation de la tentative de corruption;
(4) Déni de justice;
(5) Violences exercées contre les particuliers;
(6) Violation du domicile sans les formalités légales;
(7) Exactions;
(8) Détournement de deniers publics;
(9) Arrestation illégale;
(10) Faux dans les sentences et actes.

ART. X. Dans les dispositions qui précèdent, sont compris sous la désignation d'officiers de justice, les greffiers, les commis-

greffiers assermentés, les interprètes attachés au tribunal et les huissiers titulaires, mais non les personnes chargées accidentellement par délégation du tribunal d'une signification ou d'un acte d'huissier.

La dénomination de magistrats comprend les assesseurs.

CHAPITRE II.—**Dérogation au code d'instruction criminelle dans le jugement des contraventions, des crimes et délits à la charge des étrangers.**

§ I. *Poursuite.*

ART. XI. Lorsqu'un membre du corps consulaire dénoncera un fait délictueux à la charge d'un magistrat ou d'un officier de justice, le gouvernement devra donner les ordres nécessaires au ministère public, qui sera tenu de suivre sur la dénonciation.

ART. XII. Toutes les poursuites pour crimes et délits feront l'objet d'une instruction qui sera soumise à une chambre du conseil.

ART. XIII. Le consul de l'inculpé sera sans délai avisé de toute poursuite pour crime ou délit intentée contre son administré.

§ II. *Instruction.*

ART. XIV. L'instruction ainsi que les débats auront lieu dans celle des langues judiciaires que connaîtrait l'inculpé.

ART. XV. Toute instruction contre un étranger, ainsi que la direction des débats lors du jugement, appartiendront à un magistrat étranger, tant en matière de simple police qu'en matière criminelle ou correctionnelle.

ART. XVI. Si l'inculpé d'un crime ou d'un délit n'a pas de défenseur, il lui en sera désigné un d'office au moment de l'interrogatoire, à peine de nullité.

ART. XVII. Jusqu'à ce qu'il soit constaté qu'il existe en Égypte une installation suffisant des lieux de détention, les inculpés arrêtés préventivement seront livrés au consul immédiatement après l'interrogatoire, et dans les vingt-quatre heures de l'arrestation au plus tard, à moins que le consul n'ait autorisé la détention dans la prison du gouvernement.

ART. XVIII. Le témoin qui refusera de répondre, soit au juge d'instruction, soit devant un tribunal du jugement, pourra être condamné à la peine de l'emprisonnement, qui variera d'une semaine à un mois, en matière de délit, et qui pourra être portée à trois mois en matière de crime, ou, en tout car, à une amende de 100 à 4,000 piastres égyptiennes.

Ces peines seront prononcées, suivant les ces, par le tribunal ou la cour.

ART. XIX. Les seuls témoins qui pourront être récusés sont les ascendants, les descendants et les frères et sœurs de l'inculpé ou ses alliés au même degré et son conjoint même divorcé, sans que l'audition des personnes ci-dessus entraîne nullité, lorsque ni le ministère public, ni la partie civile, ni l'inculpé ne les aura récusées.

ART. XX. Lorsque, dans le cours d'une instruction, il y aura lieu de procéder à une visite domiciliaire, le consul de l'inculpé sera avisé.

Il sera dressé procès-verbal de l'avis donné au consul.

Copie de ce procès-verbal sera laissée au consulat au moment de l'interpellation.

ART. XXI. Hors le cas de flagrant délit ou d'appel de secours de l'intérieur, l'entrée du domicile pendant la nuit ne pourra avoir lieu qu'en présence du consul ou de son délégué, s'il ne l'a pas autorisée hors sa présence.

§ III. *Règlement de la compétence dans les conflits de juridiction.*

ART. XXII. Trois jours avant la réunion de la chambre du conseil, la communication des pièces de l'instruction sera faite au greffe, au consul ou à son délégué.

Il devra, sous peine de nullité, être délivré au consul expédition des pièces dont il demandera copie.

ART. XXIII. Si, sur la communication des pièces, le consul de l'inculpé prétend que l'affaire appartient à sa juridiction et qu'elle doit être déférée à son tribunal, la question de compétence, si elle est contestée par le tribunal égyptien, sera soumise à l'arbitrage d'un conseil composé de deux conseillers ou juges, désignés par le président de la cour, et de deux consuls choisis par le consul de l'inculpé.

ART. XXIV. Lorsque le juge d'instruction et le consul instruiront en même temps sur le même fait, si l'un ou l'autre ne croit pas devoir se reconnaître incompétent, le conseil des conflits devra être réuni pour régler le différend à la demande de l'un des deux.

Il est bien entendu que le conflit ne pourra jamais être soulevé par le juge d'instruction à l'occasion d'un crime ou d'un délit ordinaire; de plus, le crime ou le délit qu'il prétendra avoir été commis devra être qualifié par le réquisitoire dont il aura été saisi, conformément aux catégories ci-dessus des faits attribués aux nouveaux tribunaux. Enfin, si le magistrat ou l'officier de justice offensé a porté sa plainte devant le tribunal consulaire, ce tribunal statuera sur la plainte sans qu'il y ait possibilité de conflit.

ART. XXV. Le tribunal qui, après que les formalités ci-dessus auront été remplies, restera saisi de l'affaire, statuera sur cette affaire sans qu'il puisse y avoir lieu ultérieurement à déclaration d'incompétence.

§ IV. *Débats devant la cour d'assises.*

ART. XXVI. Devant la cour d'assises, quand les débats seront clos, et les questions à poser aux juges arrêtées, le président résumera l'affaire et les principales preuves pour ou contre l'accusé.

§ V. *De l'appel et du pourvoi contre les jugements de condamnation.*

ART. XXVII. Les appels, quand ils sont permis en matière de contravention contre les jugements du tribunal de simple police, seront portés devant le tribunal correctionnel.

ART. XXVIII. Les pourvois, dans le cas où ils sont autorisés par le Code d'instruction criminelle contre les jugements de condamnation en matière pénale, seront portés devant la cour, composée comme en matière civile.

Les conseillers ayant siége dans la cour d'assises ne pourront connaître du pourvoi élevé contre l'arrêt de la cour.

§ VI. *Établissement de la liste des jurés et choix des assesseurs.*

ART. XXIX. La liste des jurés de nationalité étrangère sera dressée annuellement par le corps consulaire.

A cet effet, chaque consul adressera au doyen du corps consulaire la liste de ses nationaux qui remplissent, d'après lui, les conditions voulues pour être jurés. Les jurés devront avoir l'âge de trente ans et une résidence, en Égypte, d'un an au moins.

ART. XXX. La liste définitive sera dressée par le corps consulaire sur les listes partielles en procédant par voie d'élimination, jusqu'à ce que le total des jurés atteigne et n'excède pas le nombre de deux cent cinquante.

ART. XXXI. Chaque nationalité pourra avoir un maximum de trente jurés, pourvu que, dans ce dernier cas, la composition de la nationalité le permette.

ART. XXXII. Les assesseurs correctionnels seront choisis par le corps consulaire sur la liste des jurés.

ART. XXXIII. Le minimum des assesseurs sera de six, et le maximum de douze par nationalité.

ART. XXXIV. Lorsqu'un délit correctionnel devra être jugé dans une ville où il ne se trouvera pas un nombre suffisant d'assesseurs étrangers, la cour désignera les assesseurs du tribunal voisin qui devront venir siéger.

ART. XXXV. Les assesseurs et jurés qui ne comparaîtront pas pour remplis leurs fonctions seront condamnés par le tribunal ou la cour, suivant les cas, à une amende de 200 à 4,000 piastres égyptiennes, à moins d'excuse légitime.

§ VII. *Exécution.*

ART. XXXVI. Jusqu'à ce qu'il soit constaté qu'une installation suffisante des lieux de détention existe réellement en Égypte, les condamnés à l'emprisonnement seront, si le consul le demande, détenus dans les prisons consulaires.

ART. XXXVII. Le consul dont l'administré subira sa peine dans les établissements du gouvernement égyptien aura le droit de visiter les lieux de détention et d'en vérifier l'état.

ART. XXXVIII. En cas de condamnation à la peine capitale, Messieurs les Répresentants des Puissances auront la faculté de réclamer leur administré.

À cet effet, un délai suffisant interviendra entre le prononcé et l'exécution de la sentence pour donner aux représentants des puissances le temps de se prononcer.

TITRE III.

§ I. *Disposition spéciale.*

ART. XXXIX. Il sera établi près des nouveaux tribunaux un nombre suffisant d'agents choisis par les tribunaux eux-mêmes, pour pouvoir, quand il n'y aura pas péril en le demeure, assister au besoin les magistrats et les officiers de justice dans leurs fonctions.

§ II. *Disposition finale.*

ART. XL. Pendant la période quinquennale, aucun changement ne devra avoir lieu dans le système adopté.

Après cette période, si l'expérience n'a pas confirmé l'utilité pratique de la réforme judiciaire, il sera loisible aux puissances, soit de revenir à l'ancien ordre de choses, soit d'aviser, d'accord avec le gouvernement égyptien, à d'autres combinaisons.

No. XI.

Protocoles constatant les conditions auxquelles les gouvernements français et allemand ont respectivement adhéré à la réforme judiciaire égyptienne[1]. 1874. 10th Nov.

10 novembre 1874. *Protocole d'adhésion de la France.*
5 mai 1875. *Protocole d'adhésion de l'Allemagne.*

PROTOCOLE FRANÇAIS.

Le 10 novembre 1874, S. Exc. Chérif-Pacha, ministre de la justice de S. A. le

PROTOCOLE ALLEMAND.

S. Exc. Chérif-Pacha, ministre de la justice de S. A. le Khédive, et M. de Thielau,

[1] Annuaire de l'Institut de Droit International, 1877, p. 337; Parl. Papers, 1876, Egypt, No. 3.

Khédive, et M. le marquis de Cazeaux, agent et consul général de France, agissant par ordre et d'après les instructions de leurs gouvernements respectifs, ayant eu une dernière conférence pour arriver à une entente définitive sur les conditions auxquelles le gouvernement français adhèrerait à la réforme judiciaire en Égypte sont convenus de ce qui suit:

secrétaire de légation, chargé du consulat-général d'Allemagne, agissant par ordre et d'après les instructions de leurs gouvernements respectifs, désirant constater leur entente définitive sur les modifications que le projet de la réforme judiciaire en Égypte a subies par le protocole franco-égyptien du 10 novembre 1874, sont convenus de ce qui suit:

ART. I (texte identique dans les deux protocoles). Les accusations de banqueroute frauduleuse dont il s'agit à l'article 8, alinéa G, titre II du règlement organique, continueront, comme par le passé, à être de la compétence de la juridiction de l'inculpé.

PROTOCOLE FRANÇAIS.

ART. II. Pour le choix de l'un des juges de première instance, le gouvernement égyptien s'addressera au ministre de la justice en France, dans la forme prévue pour la nomination des conseillers de la cour d'appel, et le magistrat ainsi désigné sera placé de préférence auprès du tribunal du Caire.

PROTOCOLE ALLEMAND.

ART. II. Le gouvernement égyptien s'étant adressé dans la forme prévue pour la nomination des conseillers de la cour d'appel au chancelier de l'empire pour la nomination d'un juge de première instance, ce magistrat déjà désigné sera placé de préférence auprès du tribunal du Caire.

ART. III (texte identique). Un des membres du ministère public sera choisi dans la magistrature française (resp.: allemande), et il est expressément entendu que, si une seconde chambre était créée dans l'un des tribunaux du Caire ou de Zagazig, et si, par conséquent, le personnel du parquet venait à être augmenté, un autre membre du ministère public serait également choisi parmi les magistrats français (resp.: allemands).

PROTOCOLE FRANÇAIS.	PROTOCOLE ALLEMAND.
ART. IV. *En ce qui touche la révision des codes égyptiens, l'agent et consul général de France adressera à S. Exc. Chérif-Pacha, dans le délai 15 jours, à partir du moment où le cabinet français aura notifié son approbation au gouvernement égyptien, une note qui signalera les points de détail à éclaircir dans la rédaction et l'économie de la nouvelle législation et qui proposera les modifications utiles pour en faire disparaître les contradictions.*	ART. IV. *Les codes égyptiens révisés dernièrement seront présentés le plus tôt possible au gouvernement allemand.*

ART. V (texte identique). La réserve relative au statut personnel, omise dans l'article 9 du règlement organique sera rétablie dans le texte de ce règlement.

ART. VI (texte identique). En ce qui touche la composition des chambres, le gouvernement français (le protocole allemand dit: quelques puissances) ayant demandé que l'un des magistrats chargés de juger une affaire européenne fût, autant que possible, de la nationalité de la partie en cause, le gouvernement égyptien s'est engagé à appeler sur ce point l'attention de la nouvelle magistrature chargée de régler seule l'organisation de son service.

Le protocole français (*art.* 6) dit en outre: La même réponse a été faite au gouvernement austro-hongrois, qui avait exprimé le même désir.

ART. VII (texte identique dans la première partie). Les immunités, les privilèges, les prérogatives et les exemptions, dont les consulats étrangers et les fonctionnaires qui dépendent d'eux jouissent actuellement en vertu des usages diplomatiques et des traités en vigueur, restent maintenus dans leur intégrité: en conséquence, les consuls généraux, les consuls, les vice-consuls, leurs familles et toutes les personnes attachées à leur service ne seront pas justiciables des nouveaux tribunaux, et

la nouvelle législation ne sera applicable ni à leurs personnes ni à leurs maisons d'habitation.

PROTOCOLE FRANÇAIS.

Suite de l'art. 7. La même réserve est expressément stipulée en faveur des établissements catholiques, soit religieux, soit d'enseignement, placés sous le protectorat de la France.

PROTOCOLE ALLEMAND.

Suite de l'art. 7. En outre les établissements allemands suivants: (1) l'église protestante allemande à Alexandrie, (2) l'église protestante allemande au Caire, (3) l'école allemande à Alexandrie, (4) l'école allemande au Caire, et (5) l'hôpital protestant allemand à Alexandrie, ne seront pas soumis à la compétence des nouveaux tribunaux et resteront justiciables, comme dans le passé, des tribunaux consulaires allemands. Il est bien entendu que lesdits établissements ne seront exemptés qu'en qualité de corporations et que, par conséquent, les pasteurs, les professeurs et toutes les personnes attachées à ces établissements relèveront de la juridiction établie en Égypte pour la nationalité à laquelle elles appartiennent.

En ce qui concerne la réserve stipulée à la fin de l'article 7 du protocole franco-égyptien du 10 novembre 1874, en faveur des établissements catholiques, soit religieux soit d'enseignement, placés sous le protectorat de la France, M. de Thielau déclare:

Le gouvernement allemand

ne reconnaissant à aucune puissance un protectorat exclusif sur les établissements catholiques en Orient, se réserve tous ses droits sur les sujets ou administrés allemands appartenant à un de ces établissements, et il considère notamment comme entendu que ladite stipulation du protocole franco-égyptien ne saurait porter atteinte à la juridiction qui est ou qui sera établie pour les sujets et administrés allemands en Égypte, en vertu des lois de l'Empire et des arrangements faits entre l'Allemagne et le gouvernement du Khédive.

S. Exc. Chérif-Pacha, au nom du gouvernement égyptien, prend acte de cette déclaration.

ART. VIII (texte identique). Il est entendu que les nouvelles lois et la nouvelle organisation judiciaire n'auront pas d'effet retroactif, conformément au principe inscrit dans le code civil égyptien.

ART. IX (texte identique). *Les réclamations déjà pendantes contre le gouvernement égyptien seront soumises à une commission composée de trois magistrats de la cour d'appel, choisis d'accord par les deux gouvernements. Cette commission décidera souverainement et sans appel; elle établira elle-même les formes de la procédure à suivre.*

ART. X (texte identique). *Ces mêmes réclamations pourront toutefois, si les intéressés le préfèrent, être portées devant une chambre spéciale en première instance, et une autre chambre spéciale en appel, composées de magistrats appartenant, les uns aux tribunaux, les autres à la cour, et constituées conformément aux dispositions déjà convenues entre le gouvernement égyptien et*

celui d'Autriche-Hongrie. Ces deux chambres, bien que jugeant d'après les règles de la procédure des nouveaux tribunaux, statueront au fond conformément aux lois et coutumes en vigueur au moment des faits qui auront motivé les réclamations.

ART. XI (texte identique). *Les affaires qui concernent à la fois des réclamants appartenant à plusieurs nationalités seront jugés d'après celui de ces deux modes qui sera convenu entre leurs consuls-généraux respectifs.*

ART. XII. (texte identique). *Le règlement de ces affaires commencera avec l'installation des nouveaux tribunaux et continuera pendant leur fonctionnement.*

1875. 31st July. *Convention entre la Grande-Bretagne et l'Égypte, relative à la réforme judiciaire* [1].

Les soussignés M. Charles A. Cookson, gérant de l'agence et Consulat général de Sa Majesté Britannique et Son Excellence Chérif-Pacha, ministre de la justice de Son Altesse, le Khédive, agissant par ordre et d'après les instructions de leurs gouvernements respectifs, ayant tenu une conférence ce jour au sujet de la Réforme judiciaire en Égypte, sont convenus de ce qui suit :

Toutes et chacune des stipulations et réserves contenues dans la Convention Relative à la Réforme judiciaire qui a été conclue entre les Gouvernements français et égyptien, le 10 novembre 1874 (dont copie est ci-annexée), aussi bien que celles contenues dans la Convention conclue entre les Gouvernements allemand et égyptien le 5 mai 1875 (dont copie est pareillement ci-annexée) seront immédiatement et inconditionnellement étendues par le Gouvernement égyptien à la Grande-Bretagne et aux sujets britanniques, si à un moment quelconque le Gouvernement britannique exprimait un désir à cet effet.

En outre, le Gouvernement égyptien convient que tous les autres arrangements qu'il aurait déjà faits ou qu'il ferait à l'avenir avec toute autre puissance étrangère, soit concernant la Réforme judiciaire en Égypte, soit concernant les tribunaux

[1] Annuaire de l'Institut de Droit International, 1878, p. 273; Parl. Papers, u. s.

consulaires ou autres existants dans ce pays, seront immédiatement et inconditionnellement étendus à la Grande-Bretagne et aux sujets britanniques, si le Gouvernement britannique à un moment quelconque exprimait un désir à cet effet.

En foi de quoi les soussignés ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Alexandrie le trente-et-un juillet, mil huit cent soixante-et-quinze.

CHAS. A. COOKSON.
CHÉRIF.

No. XII[1].

Decree establishing the 'Caisse de la dette publique,' 2 May, 1879.

1876. 2nd May.

We, the Khedive of Egypt, desiring to take definitive and opportune measures for obtaining the unification of the different debts of the State and those of the Daïra Sanieh, and also desiring the reduction of the excessive charges resulting from these debts, and wishing to bear solemn testimony to our firm intention to secure every guarantee to all persons interested, have resolved to establish a special Treasury charged with the regular service of the public debt, and to appoint to its management foreign Commissioners, who at our request will be indicated by the respective Governments as fit officials to fill the post to which they will be appointed by us in the quality of Egyptian officials, and under the following conditions. Having consulted our Privy Council, we have decreed, and do hereby decree as follows:—

Article I. A Treasury of the Public Debt is established, charged with receiving the funds necessary for the interest and the redemption of the debt, and with applying them to this object exclusively.

Establishment of the Caisse.

Art. II. The officials, the local Treasuries, or the special Administrations, after collecting, receiving, or accumulating

[1] Parl. Papers, 1876, Egypt, No. 8. Cf. Texts, No. XIV, Arts. 18-22, and No. XVII, Arts. 30-39. Note, that this Decree is modified by subsequent legislation to a greater extent than could be conveniently indicated by italics.

Hypothecated revenues to be paid to Caisse.

the revenues specially devoted to the payment of the debt, are or shall be in future charged to pay them *into the Central Treasury or to keep them at the disposal of the Intendants of Public Expenditure*[1] ('Ordonnateurs des Dépenses de l'État'). The Intendants of Public Expenditure are, by virtue of the present Decree, bound to pay these revenues on account of the State Treasury into the Special Treasury of the Public Debt, which will be considered in this respect as a special Treasury. These officials, treasuries, and administrations can only procure a valid discharge by means of the vouchers which will be delivered to them by the said 'Caisse' of the Public Debt. Any other order or voucher will not be valid. The same officials, treasuries, or administrations will every month send to the Minister of Finance a statement of the receipts or collections made by themselves directly or paid in by the receivers of the revenues specially assigned to the debt and the payments made into the Special Treasury of the Public Debt. The Minister of Finance will communicate these statements to the Administration of the Caisse of the Public Debt.

The Caisse of the Public Debt shall receive from the Daïra Sanieh the entire sum necessary for the interest and redemption of the amount of its unified Debt. It shall likewise receive the funds for the yearly payment due to the English Government, and representing the interest on the Suez Canal shares.

Insufficient and surplus revenue.

ART. III. If the payments of the revenue assigned to the debt be insufficient to meet the half-yearly charges, the special Public Debt Department will demand from the Treasury, through the intermediary of the Minister of Finance, the sum required to complete the half-yearly payments; the Treasury will have to deliver this sum a fortnight before the payments are due. If the funds in hand constitute a surplus over the amount necessary for the payment of the interest and the sinking fund, the special Treasury of the Public Debt will pay this surplus at the end of each year to the general Treasury of the Exchequer. The Treasury of the Public Debt will submit its accounts, which will be examined and reported upon according to law.

[1] But see now Art. 31 of the Law of Liquidation (Texts, No. XVII).

ART. IV. The suits which the Treasury and its Directors, on its behalf, acting in the name and in the interests of the creditors, mostly of foreign nationality, may consider they have to bring against the financial administration represented by the Minister of Finance in so far as regards the guardianship of the guarantees of the debt which we have confided to the said Treasury, will be brought in the terms of their jurisdiction before the new tribunals which, in conformity with the agreement entered into with the Powers, have been instituted in Egypt [1]. Actions of Caisse against government to be brought in the international Courts.

ART. V. The Commissioners selected as stated above will have the direction of the special Treasury of the Public Debt. They will be appointed by us for five years, and will sit in Cairo. Their functions may be continued after the five years have expired, and in case of the death or resignation of one of them the vacancy will be filled by us in the manner of the original appointment. They may intrust one of themselves with the functions of President, and the latter will notify his nomination to the Minister of Finance. The Commissioners.

ART. VI. The cost of exchange, insurance, and conveyance of specie abroad, as well as the commission for the payment of the coupons will be borne by the Government. The Directors of the Treasury will come to a previous arrangement with the Ministers of Finance with regard to all these operations, but the Minister will decide whether the despatch of these sums is to be effected in specie or by letters of exchange.

ART. VII. The Treasury will not be allowed to employ any funds, disposable or not, in operations of credit, commerce, industry, &c.

ART. VIII. The Government will not be able, without an agreement with the majority of the Commissioners directing the Treasury of the Public Debt, to effect in any of the taxes specially devoted to the Debt any changes which might result in a diminution of the revenue from these taxes. At the same time, the Government may farm out one or several of these taxes, provided that the contract entered into insure a revenue at least equal to that already existing, and may also Government not to diminish yield of hypothecated taxes,

[1] Cf. the Law of Liquidation, Arts. 38, 57.

conclude Treaties of commerce introducing modifications in the Customs duties.

nor to contract new loans, without consent of Caisse.

ART. IX. The Government undertakes not to issue any Treasury Bonds or any other new bonds, and not to contract any other loan of any nature whatsoever. This same engagement is entered into in the name of the Daïra Sanieh. Nevertheless, in case the Government, from urgent national reasons, should find itself placed under the necessity of having recourse to credit, it may do so within the limits of strict necessity, and without doing anything to affect the employment of the revenues set apart for the Treasury of the Public Debt, or to cause their diversion from their destination. These totally exceptional loans can only be contracted after an agreement on the subject with the Commissioners directing the Treasury[1].

ART. X. In order that the arrangements stated in the preceding article shall not place obstacles in the way of the Administration, the Government may open a running account with a bank to facilitate its payments by means of anticipations, to be regulated in accordance with the year's receipts. The debit or credit balance will be settled at the end of each year. This current account must never be overdrawn during the year by more than 50,000,000 fr.

Done at Cairo, the 2nd of May, 1876.

ISMAIL.

No. XIII[2].

1876. 7th May. *Decree for the Unification of the Egyptian debt, &c., 7th May, 1876.*

WHEREAS the loans contracted in 1862, 1864, 1868, 1873, 1865, 1867[3], and 1870, by the Government *and the Daïra*

[1] Cf. Law of Liquidation, Art. 37.

[2] Parl. Papers, 1876, Egypt, No. 8, p. 63. Note, that this Decree is modified by subsequent legislation to a greater extent than could be conveniently indicated by italics.

[3] As to the loans of 1864, 1865, 1867, see Art. 4 of the Goschen-Joubert Decree (Texts, No. XIV), and Law of Liquidation, Arts. 25-29.

Sanieh[1], originally amounted to the sum of 65,497,660*l.* sterling, and are now reduced to 54,793,150*l.* sterling by the redemption of bonds effected up to this day;

Whereas to these debts, contracted by means of loans with sinking funds, there is to be added the floating debt contracted both by the Government and the Daïra in order to cover the deficit resulting from the partial non-execution of the contract relative to the Loan of 1833, not including the provision contained in clause 19 of the said contract for the completion of the public works already in course of construction; and also to meet the expenditure occasioned by circumstances beyond human control, and by public calamities;

Whereas this debt has to a great extent been contracted by means of credit operations which, having been forced upon the Government in critical periods or under other exceptional and urgent circumstances, have been concluded on conditions onerous for the State Treasury;

Whereas, in order to make it possible for the Treasury and *the Daïra Sanieh* to satisfy these different debts, and to better secure for the future the interests of the creditors by a measure in conformity with the public exigencies, it has been found opportune and useful to unify all these debts by establishing one general debt, bearing interest at the rate of seven per cent., and redeemable within sixty-five years;

Whereas, in view of the conditions of issue of the different loans with sinking funds attached, the bonds belonging to these loans, if unified at par of their nominal value, receive a benefit which it is only just to extend to the holders of bonds of the floating State debt and *of the Daïra Sanieh* in a proportion which shall establish as far as possible an equality between all creditors, and it is also equitable to accord to *the holders of the* 1864, 1865, *and* 1867 *loans*, the last payments of which are shortly falling due, a compensation for the relatively greater prolongation of the sinking fund operations;

Whereas the yearly sum necessary for the service of the general unified debt, amounting to 91,000,000*l.* sterling, will

[1] The provisions of this Decree as to the Daïra are abrogated by the Decree of 18th November, 1876, (Texts, No. XIV), and the Law of Liquidation, Arts. 40-62.

be 6,443,600*l.* sterling, but, in order to determine the real charge which will actually be chargeable in the ordinary State Budget, it is necessary to deduct from that sum 684,411*l.* sterling, being *the contribution of the Daïra Sanieh in proportion to the amount of its debt unified with the State Debt*, and thus the annual charge on the State remains at 5,759,189*l.* sterling;

Whereas the unification and the consolidation of the State debts into one general debt make *it inopportune to continue the payment of the Moukabalah*, by which the Government had intended to arrive at the extinction of the floating debt by anticipating the land tax in six yearly amounts;

Whereas, in consequence of this anticipation, one of the most important revenues of the State would after some years be considerably reduced, while in the interest both of the Government and of the State creditors it is necessary that the revenue of the Treasury be secured, so as to satisfy the interest and the redemption of the Public Debt, and also the Budget expenditure;

Operation of Moukabalah arrested.

Whereas for these reasons our Privy Council has proposed to us, *and we have approved, to arrest the operation of the Moukabalah*[1] by granting to those who have made anticipatory payments all rights and privileges over the property which they would only have definitively acquired after the full payment of the Moukabalah, and to take equitable measures either for the restitution of these anticipatory payments or for a proportionate reduction of taxes, the result of which will be to obviate a considerable reduction in one of the principal sources of the State revenue;

Whereas, further for the security of the creditors, it has become necessary to establish a special Treasury charged with receiving the amount of revenue devoted to the service of the Debt;

We, the Khedive of Egypt, after consulting our Privy Council, have decreed, and do hereby decree as follows:—

Unification of debt at 7 per cent.

ART. I. All the debts of the State *and those of the Daïra Sanieh*, resulting from loans contracted in the years 1862, 1864, 1868, 1873, 1865, 1867, and 1870, the floating debt of

[1] Revived by Art. 2 of the Goschen-Joubert Decree, but finally abrogated by the Law of Liquidation, Arts. 87-93.

the State, *and the floating debt of the Daïra Sanieh*, including the Treasury bonds and all other bonds or obligations, are unified into a general debt, the bonds of which shall bear interest at the rate *of seven per cent.*[1] on the nominal capital, and shall be redeemable in sixty-five years by half-yearly drawings. The unification is effected at par of the nominal amount of the bonds of the old 1862, 1868, 1870, and 1873 Loans. The bonds of the general debt shall be delivered at the rate of 95 per cent. of their nominal capital to the holders of Seven per Cent. bonds of the 1864 and 1865 Loans, and of the Nine per Cent. Loan of 1867. For this latter loan the difference of the per-centage of interest shall be capitalized at the rate of 70 per cent. of the nominal capital, *and at the rate of* 80 *per cent. to the holders of the bonds of the floating debts of the State and the Daïra Sanieh*, in the form of Treasury bonds or other bonds and obligations which constitute them. By virtue of this operation the general unified debt will amount to 91,000,000*l.* sterling nominal, to bear interest from the 1st of July, 1876.

Floating debt.

ART. II. *The loan debt and floating debt of the Daïra Sanieh being unified with that of the State under the same restrictions and guarantees, the Daïra Sanieh is bound to pay annually into the Treasury of the Public Debt the sum of* 684,411*l. sterling, representing its proportion of the total yearly amount necessary for the interest and sinking fund of the debt.*

Proportion to be borne by Daïra.

ART. III. The revenues specially devoted to the service of the General Debt are:—Moudirieh de Garbieh, 1,201,523*l.* sterling; Moudirieh de Menouieh, 714,107*l.*; Moudirieh de Behera, 424,312*l.*; Moudirieh de Siout, 732,179*l.*; *octroi dues of Cairo*, 345,389*l.*; *octroi dues of Alexandria*, 173,837*l.*; *import duties of Alexandria, Suez, Damietta, Rosetta, Port Saïd, and El Arich*, 639,677*l.*; *railways*, 990,806*l.*[2]; *tobacco dues*, 264,015*l.*; *salt revenues*, 200,000*l.*; *the rent of Materieh*, 60,000*l.*; *sluice revenues and navigation dues on the Nile up to Wadyhalfa*, 30,000*l*; *bridge of Kasr-el-Nil*, 15,000*l.*—*total*,

List of hypothecated revenues.

[1] Reduced to 4 per cent., by Art. 10 of the Law of Liquidation (Texts, No. XVII).

[2] As to the port of Alexandria and the railways, see Arts. 3, 23-33 of the Goschen-Joubert Decree (Texts, No. XIV).

5,790,845*l.* *sterling*[1]. *Contributions of the Daïra, which is to be paid immediately upon the money coming in,* 684,411*l.*; *general total of revenue devoted to the service of the Unified General Debt,* 6,475,256*l*[2].

ART. IV. The bonds of the General Unified Debt shall be issued in sums of 20*l.*, 100*l.*, 500*l.*, and 1000*l.* sterling, with coupons payable half-yearly. *The drawing of bonds for the half-yearly redemption will be effected by the Managing Commissioners of the Treasury of the Public Debt*[3]. These bonds shall be delivered in exchange for the bonds of the old loans and the bonds of the floating debt *on the conditions prescribed in Art. I. of the present Decree.*

Art. V. A group composed of banking houses and financial establishments has undertaken by contract the operation of the unification of the debt. Special Government Commissioners shall be appointed by us to watch over the regular execution of these operations.

The Caisse. ART. VI. For the service of the Unified Debt a special Treasury is created, the statutes of which are laid down in our preceding Decree, which is to be considered as complementary of the present Decree.

ART. VII. Our Minister of Finance is charged with the execution of the present Decree.

Done at Cairo, the 7th day of May, 1876.

ISMAIL.

No. XIV[4].

Decree issued on 18th November, 1876, with reference to the Finances of Egypt, the Amortization of Debt, and the Financial Administration. (The Goschen-Joubert Decree.)

WE, the Khedive of Egypt,

Considering that the Decree of the 7th May, 1876, relating

[1] As to all the italicised items, see the Law of Liquidation, Art. 9.

[2] For the altered total, see the Goschen-Joubert Decree, Art. 5.

[3] See Art. 15 of the Law of Liquidation.

[4] Parl. Papers, 1879, Egypt, No. 2, p. 28. Note, that this Decree has been modified by subsequent legislation to a greater extent than could be conveniently indicated by italics.

to the unification of the debts of the State and of the Daïra requires certain modifications in its application.

Considering the Decree of the 2nd May, 1876, establishing the Treasury of the Public Debt, and desiring to strengthen still further the functions of the Commissioners who administer the said Treasury.

Considering that the suppression of the law of the Moukabalah raises unanimous objections on the part of those whom it affects, and that the Chamber of Delegates has given expression to the desire that the law should be maintained.

In our firm desire to assure the regular course of the public services, while at the same time protecting the interests of the creditors by more efficacious guarantees.

And having heard our Privy Council, we have decreed and decree—

FIRST DIVISION.—*Finances.*

ART. I. The debts of the Daïra as set forth in the Tables A and B inserted in the present Decree are separated from the debts of the State, and not included in the unification of the general public debt. These debts will form the subject of a special arrangement [1]. Daïra debt deducted from unified.

ART. II. *The law of the Moukabalah is re-established, and is considered as never having ceased to be in force. Nevertheless, the annual reductions produced by the effect of the law of the Moukabalah will not come into force until the commencement of the year* 1866, *and an annual interest of* 5 *per cent. will be credited to the contributaries up to the end of the year* 1885 *on the sums which should be deducted* [2]. Moukabalah revived.

The whole sum produced by the Moukabalah will be applied to the redemption of the Loans of 1864, 1865, *and* 1867, *and of the unified debt.*

In the employment of the available ('disponibles') funds yielded by the Moukabalah, certain reservations are made which are dealt with in Article 6, relating to 'amortization.'

ART. III. A special administration of the railways and

[1] As to the Daïra, see Law of Liquidation (Texts, No. XVII), Arts. 40–62.

[2] The Moukabalah is abolished by the Law of Liquidation, Arts. 87–93.

Preference Bonds.

of the port of Alexandria is established, which will be placed under the direction of a Commission, as will be set forth hereafter.

The revenues of the railways and of the port of Alexandria will be directly applied to the payment of the interest and the sinking fund of a series of preference bonds having a special mortgage on the railways and the port of Alexandria, amounting to seventeen millions sterling, and bearing interest at 5 per cent., redeemable in sixty-five years. Interest to run from the 15th October, 1876.

These bonds will be offered by preference to the holders of the Loans of 1862, 1868, and 1873, in exchange for bonds of these loans bearing 7 per cent., which bonds will be cancelled.

The annuity necessary for the service (interest and sinking fund) of the preference 5 per cent. bonds, amounting to 885,744*l.*, and payable in two half-yearly payments of 442,872*l.* each, will form the first charge on the revenues of the railways and of the port of Alexandria, and will remain, in every eventuality, the first liability of the Commission of the Public Debt[1].

Deduction of certain Loans from Unified debt.

ART. IV. The Loans of 1864, 1865, and 1867 are deducted from the Unified debt.

They will continue to bear the interest appertaining to them until their complete redemption.

They will be redeemed within the terms of their respective contracts. They will be redeemed, however, at the rate of 80 instead of at 100 per cent., and the first half-yearly payment on account of this redemption will be postponed by six months; that is to say, it will take place for the Loan of 1864 on the 1st April, 1877, for the Loan of 1865 on the 7th July, 1877, and for the Loan of 1867 on the 22nd May, 1877[2].

Floating debt.

ART. V. The bonus of 25 per cent., granted by the Decree of the 7th May last to the holders of the Floating Debt, is reduced to 10 per cent.

[1] Cf. Law of Liquidation, Arts. 2–8, 20–24.

[2] By Arts. 26–29 of the Law of Liquidation (Texts, No. XVII), these loans are to be converted into Unified.

By the effect of these measures, the financial position will be as follows:— The Financial position.

	£	£
(A.) The bonus included in the Table of Unification annexed to the Decree of 7th May, amounting to	...	6,204,327
Is reduced—		
(1) By the entire bonus on 2,906,151*l.*, the amount of the Floating Debt of the Daïra	726,537	
(2) By the bonus on the Loans of 1864, 1865, and 1867	306,796	
(3) By the reduction of the bonus granted to the Floating Debts of the Malieh and of the Daïra on the Malieh, viz. 5,170,993*l.*, three-fifths of which representing the 15 per cent. to be deducted is	3,102,597	
		4,135,930
		2,068,397
(B.) The Unified Debt of	...	91,000,000
Will be reduced as follows by these several deductions:—		
(1) The Consolidated Debt of the Daïra ...	5,909,280	
(2) The Floating Debt of the Daïra ...	2,906,151	
(3) The Loans of 1864, 1865, and 1867 ...	4,392,616	
(4) The railways and the port of Alexandria	17,000,000	
(5) Sundry bonuses as above	4,135,930	
		34,343,977
		56,656,023
There accrues to the Government on account of the port of Alexandria, which is given as a guarantee, 2,000,000*l.* in bonds of the General Debt	... ...	2,000,000
Balance at the disposal of the Government ...	... ...	343,977
Total of the Unified Debt	... ...	59,000,000

To this debt of 59 millions an annuity of 4,177,720*l.* sterling is assigned, representing its redemption in sixty-five years, and interest at the rate of 7 per cent. upon the capital. Interest to run from 15th July, 1876.

This annuity is payable in two half-yearly payments of 2,088,860*l.* each.

The revenues which are at present assigned to the Treasury of the Public Debt by our Decree of the 7th May, 1876, remain pledged as before, subject to the modifications which will result from the present Decree, *which will be arranged by the Controllers-General to be mentioned hereafter, and by the Commissioners of the Public Debt.*

The 2,000,000l. in bonds of general debt accruing to the

Government for the port of Alexandria are not to be disposed of until after the entire payment of the amount of 704,000*l. due on 1st January,* 1877, *to the contractors of the port.*

SECOND DIVISION.—*Amortization*[1].

Redemption.

ART. VI. The operation of redeeming the bonds will be carried out by the Commissioners of the Treasury of the Public Debt. In order to increase the amount available for redemption, a deduction will be made of one-seventh of the interest of 7 per cent. which is assigned to the service of this debt, viz.:—1 per cent. on the capital remaining to be redeemed at the beginning of each year.

The fund yielded by this deduction will be added to the sums available from the Moukabalah, and will be also employed in redeeming bonds by means of public purchases, subject to the reservation mentioned hereafter, in case of public purchases not being made.

This deduction, however, will only be made to the end of the year 1885 at the latest, and if before that date the unified debt is reduced to 40,000,000*l.* sterling, payment of interest at 7 per cent. will be resumed from that moment.

The funds yielded by the Moukabalah will be paid in their entirety to the Commissioners of the Public Debt, to whom the service of redemption is confided ('service d'amortissement'). The Commissioners of the Treasury of the Public Debt will take out of the funds paid to them the sum necessary for the redemption of the 1864, 1865, and 1867 Loans, and they will devote the available balance to the redemption of the general unified debt.

In the event that after the service of the Public Debt shall have been provided for the revenues should be insufficient to meet the estimated budget expenses of the Government, such as they are fixed in the table annexed to the present Decree, the Finance Committee, composed of the Minister of Finance and the two Controllers-General, will give notice thereof to the Commissioners of the Public Debt. The latter will then keep back out of the available funds yielded by

[1] Cf. Law of Liquidation, Arts. 14, 15, 49.

the Moukabalah, and intended for the redemption of the Unified Debt, the sum necessary to make up the difference.

In order to be in a position to meet this liability, the Commissioners of the Public Debt will keep in hand ('conservera dans ses caisses') out of the available sums yielded by the Moukabalah, and assigned for the Redemption of the Public Debt, a sum of 600,000*l.* per annum. This sum can only be sent to Europe after a notification of the Finance Committee mentioned above.

If, on the other hand, there is an excess of revenue after the charge for the Public Debt and the budget expenses abovementioned have been met, this excess is to be added to the Redemption Fund.

The amortization, both by the deduction of 1 per cent., and by the sums remaining available from the Moukabalah and the budget surpluses, is to be conducted by means of public purchases so long as it will be possible to effect these purchases below the price of 75.

In the event that during the period of the Moukabalah purchases cannot be made at a rate below 75, the amortization is to take place by drawings at the rate of 75. As soon as the increments of revenue shall produce a budget surplus of 150,000*l.* per annum, the amortization will take place at the rate of 80.

THIRD DIVISION.—*Administration: Controllers-General*[1].

ART. VII. *Two Controllers-General will be appointed, the one a Controller-General of Receipts, the other a Controller-General of Audit* ('*comptabilité*') *and of the Public Debt.* The Dual Control.

ART. VIII. *The functions of the Controller-General of Receipts are the following:—*

(1) *The Collection of all the revenues of the State, and their payment into the receiving offices to which they belong* ('*dans les caisses respectives*').

(2) *He will have under his direction all the collectors, except the officials charged with the collection of judicial fees and others*

[1] The Dual Control was abolished by a Decree of 18th January, 1883.

attached to the Tribunals of the Judicial Reform ('*Tribunaux de la Réforme*').

(3) *He will propose their nomination to us through the channel of the Minister of Finance.*

He will have the right to suspend them from their functions, and he can also dismiss them after a regular enquiry, with the concurrence of the Finance Committee, composed of the Minister of Finance and the two Controllers-General.

The collectors of the taxes in the provinces (Moudiriehs) will be chosen from amongst Egyptian subjects, who are not disqualified by any such legal incapacity as may be provided against by law.

(4) *It will he his duty to see that the Agents of Collection do not collect more than the authorized taxes. Collection cannot be enforced on the tax-papers of the direct taxes until after they have been countersigned by him.*

(5) *It will be his duty to see that the produce in kind belonging to the revenues is realized to the best advantage of the Treasury. The Finance Committee will look to the best means of realizing its value.*

ART. IX. *The Controller-General of Audit and the Public Debt will have to fulfil at the same time the functions of 'Councillor to the Ministry of Finance.'*

These functions will be the following:—

(1) *It will be his duty to see to the execution of all the regulations affecting the debts of the State, without trenching on the functions which belong to the Commissioners of the Public Debt.*

(2) *He will control the general account-keeping of the Treasury, and of all the Government Receiving Offices* ('*Caisses de l'État*').

(3) *The Ministers or heads of Administration will have the regulation of all the expenses.*

The cheques or orders for payment ('*des mandats ou assignations*') *which they may issue must be countersigned by the Controller-General, in order to be honoured.*

(4) *The Controller-General will not have to judge of the expediency of the expenditure of the Government. He can only refuse his counter-signature to orders to pay* ('*mandats*') *which would exceed the amounts of the credits still open, or which would*

prevent sufficient funds remaining in hand to meet the balance of expenditure still to be incurred under the estimated Budget of the current year.

ART. X. *The Controllers-General will take part in the preparation of the Budget. They are not to encroach upon the functions of the Ministers, who will remain sole judges of the necessity of assigning credits to services of such and such a nature. Accordingly*, the Budget will be prepared by the Minister of Finance, who will centralize all the demands for credits made by the Heads of Departments. The Budget.

The Budget having been thus prepared, will be submitted to the Council of Ministers, *to which the two Controllers-General will be summoned.*

When the Budget has been examined and revised, if necessary, it will be submitted by the Council to our approbation.

The Minister of Finance *and the Controllers-General* will see to the strict execution of the Budget.

ART. XI. The Finance Committee will have to give their approval, in the first instance ('préalablement') to all contracts entailing pecuniary engagements, which would exceed $\frac{1}{12}$th of the credits open for the year, or which would be applicable to several years.

ART. XII. It will be the duty of the Finance Committee to draw up the general regulations in the matter of public accounts ('en matière de comptabilité publique') under our sanction.

ART. XIII. *Of the two Controllers-General, one will be an Englishman and the other a Frenchman.* The Controllers,

ART. XIV. *The nomination and the choice of the Controllers-General will belong to us; but in order to satisfy ourselves with regard to the guarantees offered by the persons whom we may choose, we shall address ourselves unofficially ('officieusement') to the English and French Governments, and we shall only engage persons who are furnished with the authority, or with the acquiescence of their Governments.*

If one or the other of these Governments, at the time when the nominations have to be made, should not give its authority or its acquiescence, our choice will be made amongst the higher officials of the two countries, either in active service or retired.

for five years.

ART. XV. *The two Controllers-General will be named for five years. In case of their resignation or their death, the proceedings taken to replace them will be the same as those taken for their nomination.*

ART. XVI. *The two Controllers-General will have the same rank and will receive the same remuneration.*

ART. XVII. *They will be accountable only to us.*

Commission of the Public Debt[1].

The *Caisse*.

ART. XVIII. The Commission of the Public Debt is permanent until the entire debt is redeemed.

ART. XIX. The Commissioners will have the right to send the funds which they will have encashed direct to the Bank of England and to the Bank of France. They will have the necessary powers to make this transmission of funds; but it will be their duty to come to an understanding beforehand with the Minister of Finance *and the Controllers-General.*

An English Commissioner to be added.

ART. XX. An English Commissioner will be added to the Commission of the Public Debt. The nomination and the choice of this Commissioner will belong to us; but in order to satisfy ourselves with regard to the guarantees offered by the person whom we shall choose, we shall address ourselves unofficially to the English Government, and we shall only engage a person furnished with the authority and acquiescence of his Government. If the English Government, at the time when this nomination is to be made, should not give its authority or its acquiescence, we should make choice of a higher official in the English service, either on the active or on the retired list[2].

ART. XXI. The merchandize or produce given for payment of taxes in the provinces specially set apart for the service of the debt will be placed at the exclusive disposal of the Commissioners of the Debt, who will have the power to sell it, coming, however, to an understanding ('en se concertant toutefois') with the Minister of Finance *and the Controllers-General* as to the best means of realizing it.

[1] Cf. Law of Liquidation (Texts, No. XVII), Arts. 30–39.

[2] Major Baring was appointed accordingly, but not on the nomination of the English Government.

ART. XXII. The members of the Commission of the Public Debt will not be able to accept any other functions in Egypt.

Railways and Port of Alexandria.

ART. XXIII. The railways which are now actually being worked, and the port of Alexandria, will be placed under a Special Administration, which will be accountable only to us. This Administration will be composed of five Administrators, of whom two will be English, one French, and two natives. The Administration of the railways and port of Alexandria.

One of the two English Administrators will have the functions of President.

ART. XXIV. The annexation of the Administration of the Port of Alexandria to the Special Administration of the Railways, and the application of their revenues to the service of the Preference Debt, are not in any case to prejudice the contracts already existing with the contractors, nor to modify the relations of the Government to the latter with regard to the work which is still to be executed.

ART. XXV. The nomination and the choice of the Administrators will belong to us, but in order to satisfy ourselves with regard to the guarantees offered by the foreign Administrators whom we may choose, we shall address ourselves unofficially to the Governments of England and France, and we shall only engage persons furnished with the authority or the acquiescence of their Governments.

In the event that one or the other of these Governments should not give its authority or acquiescence, our choice will be made amongst the higher officials, either civil or military, of the two countries, or of their great railway companies, either in active service or on the retired list.

ART. XXVI. The foreign Administrators will be named for five years. In case of their resignation or their death the same proceedings will take place for replacing them as have been fixed for their nomination.

ART. XXVII. The Administration, formed as described above, will continue to act until all the privileged bonds specially created have either been redeemed or paid off. The port of Alexandria being comprised in this guarantee for the

sum of 2,000,000*l.*, can be freed from this guarantee and detached from the Joint Administration as soon as 2,000,000*l.* of these preference bonds shall have been redeemed or repaid.

The railways being comprised in this guarantee for 15,000,000*l.* sterling in preference stock, can be freed by the redemption or the repayment of 15,000,000*l.* of this stock.

ART. XXVIII. The Administrators will propose for our choice and nomination the superior employés of the railways and the port.

They will name the other employés direct.

They will have the right to suspend all the employés from their functions; they may also dismiss them after a regular inquiry.

They alone will have the right to make any modifications in the tariffs and in the regulations in force, under our sanction.

They will be exclusively charged with the duty of making contracts for the purchase of rolling-stock or of fixtures, and for the matériel necessary for the working of the railways and the service of the port.

They will decide on the necessity of repairs in the matériel or the permanent way, as well as for the maintenance of the port, all under our approval.

ART. XXIX. Provision will be made from the general resources of the Budget for extraordinary expenses, which will have been decided on by the Administrators and approved by us.

ART. XXX. All the receipts of the railways and of the port of Alexandria according as they come in, with the exception of what is necessary for the ordinary outlay for maintenance and for working expenses, and with the exception of the rights of the contractors of the port provided for in the contracts, will be paid into the Treasury of the Public Debt, to which they are assigned.

The Preference Bonds.

ART. XXXI. The Commission of the Public Debt will open a special account for the service of the preference 5 per cent. bonds. The Commission will be bound to send any funds which are paid into it by the Administration of the Railways and the Port, to the Banks of England and France,

and likewise to a special account opened for the service of the preference stock issued on the railways and on the port.

ART. XXXII. In the event that the payments made by the Administration of the Railways and of the Port should be insufficient for the service of this debt, the Commission of the Public Debt will have to provide for the service by taking as a first charge the necessary amount from the general resources which are assigned to it.

ART. XXXIII. All the provisions of our Decrees of the 2nd and 7th May, 1876, which are not contrary to these presents, remain in force.

Given at Cairo the 18th November, 1876.

ISMAIL.

No. XV[1].

Decree, issued with the assent of the Powers, as to the Rothschild loan, 15th November, 1879. 1879. 15th Nov.

NOUS, Khédive d'Égypte,

Considérant qu'à la date du 31 octobre, 1878, un emprunt de 8,500,000*l.* a été contracté au nom de l'État, par les soins de MM. de Rothschild and Sons, à Londres, et MM. de Rothschild Frères, à Paris;

Considérant que, pour donner suite au Décret du 26 octobre, 1878, et répondre à la commune intention des parties, il y a lieu de prendre les dispositions nécessaires, en vue de réserver les biens cédés par notre famille, à la garantie spéciale et exclusive de cet emprunt;

Notre Conseil des Ministres entendu;

Décrétons:

ART. I. Jusqu'au complet amortissement de l'Emprunt Domanial, les biens cédés par notre famille à l'État[2] seront insaisissables et ne pourront être aliénés que par les Commissaires des Domaines, dans les conditions prévues ou à intervenir, entre le Gouvernement et MM. de Rothschild.

ART. II. Après la radiation des inscriptions hypothécaires,

[1] Parl. Papers, 1880, Egypt, No. 1, p. 136. All the Powers interested in the International Courts had assented to the Decree before the end of the year.

[2] On 26th October, 1878.

antérieures à celles prises par MM. de Rothschild, à la date des 2 et 3 février dernier, ces biens seront et demeureront affranchis de toute action résolutoire ou en revendication, et de tout droit réel, de quelque nature que ce soit, à l'exception de ceux conférés aux souscripteurs de l'emprunt, pour rester spécialement et exclusivement affectés à la garantie des intérêts et de l'amortissement du dit emprunt.

ART. III. Pour donner une garantie que le solde disponible de l'Emprunt Domanial sera entièrement et exclusivement employé au règlement de la Dette Non-Consolidée Égyptienne, le Gouvernement Egyptien délègue, dès à présent, à la Caisse Spéciale de la Dette Publique, tous ses droits sur les sommes dont il peut encore disposer sur le produit de l'Emprunt Domanial, en exécution des Conventions intervenues entre lui et les Maisons de Rothschild.

En conséquence, MM. de Rothschild devront accepter comcomme bonnes et valables décharges, les quittances qui leur seront données par la Caisse Spéciale de la Dette Publique, en échange des versements qu'ils seront dans le cas de lui faire, en exécution de leur contrat.

La Caisse Spéciale de la Dette Publique conservera les sommes ainsi versées par MM. de Rothschild, en qualité de sequestre, pour n'en disposer que suivant les instructions qui lui seront données par la Commission de Liquidation, qui sera constituée en vertu d'un accord international ; et, à défaut de cette Commission, suivant les instructions qui lui seront données par nous, avec le concours des Puissances.

ART. IV. Le plein exercice des droits appartenant aux créanciers hypothécaires, inscrits antérieurement aux 2 et 3 février, 1879, dates des inscriptions prises par MM. de Rothschild, est et demeure expressément réservé.

ART. V. Notre Ministre des Finances est chargé de l'exécution du présent Décret.

Fait au Palais d'Abdin, le 15 novembre, 1879.

MÉHÉMET THEWFIK.

No. XVI[1].

Decree for the appointment of a Commission of Liquidation. 31st March, 1880.

1880. 31st March.

WITH reference to the Report of the Superior Commission of Inquiry, dated the 8th April, 1879;

Whereas the Decree of the 6th April, 1876, has postponed the payment of the debts of the Egyptian Government, at the same time diminishing the rate of interest, and has announced the necessity of arriving at a financial combination with a view to the settlement of the Egyptian debt;

Whereas the Commission of Inquiry in its Report dated the 8th April, 1879, has recognized the impossibility of meeting at the present moment all the liabilities as they fall due of the various consolidated debts, and of liquidating entirely and immediately the non-consolidated debt;

Whereas the Commission of Inquiry has further recognized the fact that, in order to proceed to an equitable division among the creditors of the Government of the resources available, the Law of Liquidation which is to be drawn up must be made obligatory for all the creditors, and recognized as such by the Tribunals of the Reform;

Whereas Germany, Austria-Hungary, France, Great Britain, and Italy have announced their acceptance beforehand of the law which will be prepared by the Commission constituted in virtue of the present Decree[2], and whereas they have undertaken to bring it collectively to the knowledge of the other Powers who took part in the establishment of the Mixed Tribunals in Egypt, and to invite them to adhere to it[3];

We Decree:

ART. I. *A Liquidation Commission is instituted. After having examined the financial position in its entirety, and after having listened to the observations of the parties interested, this*

[1] Parl. Papers, 1884, Egypt, No. 10, p. 3.

[2] By a joint Declaration signed by their respective Consuls-General, on 31st March, 1880.

[3] This was done and the adhesion of all the other nine Powers was obtained by 19th August 1880. See Correspondence, in Parl. Papers, 1884, Egypt, No. 10.

Commission shall prepare, taking the conclusions of the Superior Commission of Inquiry as their point of departure, and without modifying the conditions of the Domains Loan, a draft of a law regulating the relations of the Government and of the Daïras Sanieh and Kassa with their creditors, and determining the conditions and formalities with which the liquidation of the non-consolidated debt shall be carried out.

ART. II. *The Commission shall determine as to the resources which can be placed at the disposal of the creditors of the consolidated or non-consolidated debts, but they must in the first place, with the assent of the Council of Ministers and of the Controllers, keep in view the necessity of reserving to the Government the free disposal of the amount indispensable for securing the regular working of the public services. With this object the Budget of the year during which they will exercise their functions will be communicated to them, as well as those of the previous years which may be necessary to their forming a correct estimate of the needs of the Egyptian Treasury.*

ART. III. *The Controllers-General shall furnish the Commission at its request with additional documents and explanations of a nature to assist them in the fulfilment of their task. They shall transmit through them, either to ourselves or to our Ministers, the observations which they may wish to communicate to the Government.*

ART. IV. *The Commission will have the right of superintending conjointly with the Controllers-General the carrying out of the provisions laid down by them, and the duration of their powers, after the publication of the Decree of Liquidation, can be prolonged for this purpose, during a period not exceeding three months. At the expiration of that period the Commission shall, in any case, be legally dissolved.*

ART. V. *The law drawn up by the Commission shall receive our sanction and be published by us.* From the time of its publication this law shall be obligatory and without appeal, the Regulations of Judicial Organization and Codes of the Reform notwithstanding.

ART. VI. *This Commission shall be nominated by Decree. It shall be composed of two Commissioners appointed by each of the Governments of France and Great Britain, and of one*

Commissioner appointed by each of the Governments of Germany, Austria-Hungary, and Italy. The Egyptian Government shall be represented by a Delegate on this Commission.

ART. VII. *The necessary account for the labours of the Commission shall be opened by us, in conformity with the Report which may be presented on this subject by the President of the Commission.*

Our ministers are charged, each in his own department, with the execution of the present Decree.

No. XVII[1].

The Law of Liquidation. 17*th July*, 1880.

1880. 17th July.

NOUS, Khédive d'Égypte,

Vu nos Décrets en date des 31 mars et 5 avril, 1880,

Sur la proposition des Commissaires désignés par les Gouvernements d'Allemagne, d'Autriche-Hongrie, de France, de Grande Bretagne et d'Italie, et nommés par nous,

Notre Conseil des Ministres entendu,

Avons décrété et décrétons:—

TITRE I.

Dette Consolidée.

ART. I. Le service de la Dette Consolidée s'effectuera à l'avenir dans les conditions déterminées ci-après. Consolidated Debt

Dette Privilégiée.

ART. II. Les revenus nets des chemins de fer de l'État, des télégraphes, et du port d'Alexandrie, sont spécialement affectés au service des intérêts et de l'amortissement de la Dette Privilégiée. The Privileged Debt.

Le complément des ressources nécessaires pour ce service sera prélevé, comme première charge, sur les affectations de la Dette Unifiée.

Si, au contraire, les affectations spéciales de la Dette Privilégiée arrivent à présenter des excédants, ces excédants seront employés à l'amortissement de la Dette Unifiée.

[1] Parl. Papers, 1880, Egypt, No. 4, p. 1.

ART. III. Les dépenses ordinaires d'entretien et d'exploitation, prévues au Budget ou régulièrement autorisées par décisions spéciales, seront seules prélevées sur les recettes de ces Administrations.

Les frais de transport, dus par les services de l'État, qui ne seraient pas payés au comptant, devront être remboursés mensuellement à l'Administration des chemins de fer.

ART. IV. Il sera pourvu sur les ressources générales du Trésor aux dépenses extraordinaires, telles que l'acquisition de terrains ou d'immeubles, la construction de lignes nouvelles et l'acquisition du matériel nécessaire à leur exploitation, le rachat de lignes concédées, la pose d'une seconde voie, la construction de bâtiments nouveaux, digues, quai, &c.

Les dites dépenses extraordinaires seront proposées par les Administrateurs et votées par le Conseil des Ministres.

S'il y a contestation entre le Gouvernement et l'Administration des chemins de fer, des télégraphes, et du port d'Alexandrie sur la question de savoir si une dépense doit ou non être considérée comme extraordinaire, le Gouvernement pourra, sur l'avis conforme de la Caisse de la Dette, autoriser la dite Administration à prélever cette dépense sur ses recettes.

Interest unaltered.

ART. V. L'intérêt annuel des obligations de la Dette Privilégiée est maintenu à 5 pour cent du capital nominal.

Il continuera à être payé semestriellement aux échéances du 15 avril et du 15 octobre.

Redemption.

L'amortissement sera fait au pair en soixante-cinq ans, à compter du 15 octobre, 1876, par tirages semestriels.

Les tirages s'effectueront en séance publique, par les soins des Commissaires-Directeurs, dans les mois de janvier et de juillet.

Le remboursement des titres aura lieu à partir de l'échéance du coupon suivant.

Further issue.

ART. VI. Notre Ministre des Finances est autorisé à émettre pour £ E. nominales 5,600,205 (5,743,800*l.*) d'obligations de la Dette Privilégiée, dont l'emploi sera fait conformément aux Articles 68 et suivants.

Ces titres seront émis, au fur et à mesure des besoins, jouissance du 15 avril, 1880, et aux mêmes conditions d'intérêt

et d'amortissement que les obligations primitives auxquelles ils sont complètement assimilés.

Les nouveaux titres seront compris dans le premier tirage d'amortissement qui suivra leur émission.

ART. VII. Au fur et à mesure de la liquidation des créances payables en obligations et pendant un délai de six mois à compter de la publication de la présente loi, il sera délivré aux intéressés des titres provisoires au porteur.

Les règlements ultérieurs seront faits directement en obligations définitives.

Les titres provisoires devront être échangés dans l'année qui suivra la publication de la présente loi.

Passé ce dernier terme, notre Ministre des Finances procédera d'office à l'émission des obligations dont les titres provisoires n'auront pas été représentés, et les déposera à la Caisse de la Dette Publique pour le compte de qui de droit.

ART. VIII. L'annuité nécessaire au service des obligations privilégiées, en intérêts et amortissement, est fixé à £ E. 1,157,768 (1,187,404*l.*). Amount of annual payments.

Dette Unifiée.

ART. IX. Les revenus suivants demeureront affectés au service de la Dette Unifiée :— Unified Debt.

(1) Les revenus des Douanes et le produit des droits perçus pour notre Gouvernement à l'importation des tabacs, sous la déduction des dépenses d'administration.

(2) Les revenus des provinces de Garbieh, Menoufieh, Béhéra, et Siout, sous la déduction de 7 pour cent du montant brut des recouvrements à titre de frais de perception et d'administration.

Dans ces derniers revenus seront compris tous les impôts et droits divers actuellement en vigueur, ou créés dans l'avenir, à l'exception de la taxe des sels et de celle des tabacs indigènes.

Les autres affectations de revenus établies au profit de la Dette Unifiée par le Décret du 7 mai, 1876, sont supprimées. Alteration in security.

ART. X. L'intérêt annuel des obligations de la Dette Unifiée

Diminution of interest.

est fixé à 4 pour cent du capital nominal, à compter du 1er mai, 1880.

Il sera payé semestriellement aux échéances du 1er mai et du 1er novembre.

ART. XI. Le service des intérêts à 4 pour cent sera assuré par les affectations de revenus déterminées dans l'Article 9 et en cas d'insuffisance, par les ressources générales du Trésor.

ART. XII. Les versements des revenus affectés à la Dette Unifiée, reçus du 26 avril au 25 octobre inclusivement, seront imputés à l'échéance du 1er novembre, et ceux reçus du 26 octobre au 25 avril seront imputés à l'échéance du 1er mai.

Si la date du 25 avril ou à celle du 25 octobre, les versements accomplis sont insuffisants pour effectuer le paiement du coupon à 4 pour cent par an, notre Ministre des Finances en fournira immédiatement le complément sur la demande des Commissaires de la Dette.

ART. XIII. Toutefois, si les recouvrements de 1er semestre ont laissé un excédant disponible, cet excédant sera appliqué au complément du coupon de novembre avant de recourir à la garantie de notre Gouvernement, et d'autre port, les sommes versées par votre Ministre des Finances pour parfaire le coupon du 1er mai lui seront remboursées, le cas échéant, sur les excédants du 2e semestre.

À cet effet, le compte de garantie du Gouvernement sera arrêté annuellement le 25 octobre, en cumulant les opérations des deux semestres.

Redemption.

ART. XIV. L'amortissement de la Dette Unifiée se fera par rachat au cours du marché. Seront consacrés à cet amortissement (1) les excédants que les revenus affectés au service de la Dette Publique présenteront après le paiement des deux coupons annuels et le règlement du compte de garantie du Gouvernement dont il est parlé à l'Article précédent; (2) les autres ressources indiquées aux Articles 2, 15, 22, 29, et 95.

ART. XV. La portion des excédants budgétaires qui pourra être versée annuellement à la Caisse de la Dette Publique conformément aux dispositions de l'Article suivant, sera également employée au rachat des obligations de la Dette Unifiée, sous réserve de l'emploi éventuel prévu à l'Article 70.

Ces fonds resteront en dépôt à la Caisse de la Dette

Publique jusqu'à ce que les justifications que devra fournir le Ministre des Finances aient permis aux Commissaires de la Dette de constater qu'ils ne sont pas nécessaires pour le règlement de la Dette Non-Consolidée.

L'amortissement par tirage de la Dette Unifiée est supprimé. Drawings abolished.

ART. XVI. Seront considérés comme excédants de revenus des provinces et Administrations non-affectées au service de la Dette Publique les produits budgétaires de toute nature réalisés dans ces provinces et Administrations au delà de la somme de £ E. 4,897,888, à laquelle ont été arrêtées les dépenses budgétaires, y compris le Tribut de Constantinople et le service des diverses dettes que le Gouvernement est tenu d'assurer aux termes de la présente loi sur les ressources générales du Trésor, savoir :— Surplus revenue. Charges on general revenue.

Les intérêts des actions du Canal de Suez dus au Gouvernement anglais.

L'annuité de la Daïra Khassa et celle de la Moukabalah.

Ces excédants de revenus resteront à la disposition du Gouvernement jusqu'à concurrence d'une somme égale à l'excédant de revenus des Administrations et provinces affectées.

Si l'excédant des revenus affectés n'atteint pas un demi pour cent du montant total de la Dette Unifiée (soit £ E. 283,000) le complément de ce demi pour cent sera versé à la Caisse de la Dette Publique sur le surplus des excédants budgétaires.

Lorsqu'il n'y aura pas lieu à ce prélèvement, la totalité des excédants budgétaires sera conservée pour les dépenses administratives.

ART. XVII. Il ne sera pas pourvu à l'amortissement par rachat des échéances du 1er novembre, 1878, des 1er mai et 1er novembre, 1879, et 1er mai, 1880, non plus qu'au paiement des portions d'intérêts impayées des trois dernières échéances.

ART. XVIII. Tous les bons ou titres qui devaient, aux termes des Décrets du 7 mai et du 18 novembre, 1876, être convertis en obligations de la Dette Unifiée, devront être présentées à la conversion avant le 1er avril, 1881, sous peine de déchéance.

ART. XIX. Notre Ministre des Finances est autorisé à Further issue.

émettre de nouveaux titres de la Dette Unifiée jusqu'à concurrence de £ E. 1,909,280 nominales (1,958,240*l.*) pour en faire l'emploi fixé par l'Article XXVI.

Ces nouveaux titres seront émis jouissance du 1er mai, 1880, et aux conditions d'intérêt et d'amortissement ci-dessus déterminées pour les anciennes obligations auxquelles ils seront complètement assimilés.

Dispositions communes à la Dette Privilégiée et à la Dette Unifiée.

Payment of interest,

ART. XX. Les coupons et les titres seront payés en or, sans aucune retenue, en Égypte, à Paris, et à Londres.

À Paris les paiements seront faits au change fixe de 25 fr. la livre sterling.

not to be taxed.

ART. XXI. Les obligations de la Dette Privilégiée et de la Dette Unifiée ne pourront être frappées d'aucun impôt au profit de notre Gouvernement.

Prescription.

ART. XXII. La prescription quinquennale et la prescription de quinze ans établies par les Articles 275 et 272 du Code Civil seront applicables, la première aux intérêts des obligations de la Dette Unifiée et de la Dette Privilégiée; la seconde, aux capitaux des mêmes obligations désignées par le tirage pour l'amortissement.

Les délais de prescription seront calculés d'après le calendrier Grégorien.

Le montant des intérêts et capitaux atteints par la prescription profitera à l'amortissement de la Dette Unifiée.

ART. XXIII. Les affectations de revenus établies par la présente loi recevront leur application à compter du 1er janvier, 1880.

La Caisse de la Dette Publique reversera au compte de la Liquidation une somme de £ E. 5,000.

Moyennant ce paiement la Caisse et la Liquidation seront quittes l'une envers l'autre de tous comptes à faire entre elles par suite du nouveau règlement des affectations.

Confirmation of Decrees of 1876, as modified.

ART. XXIV. Sont maintenues toutes les dispositions des Décrets des 2 mai et 18 novembre, 1876, concernant le service des obligations de la Dette Privilégiée et de la Dette Unifiée, non contraires aux dispositions de la présente loi.

Conversion des Emprunts à Court Terme.

ART. XXV. Le service des Emprunts 1864, 1865, et 1867, est supprimé. Conversion to Unified of loans of 1864, 65, 67.

Il ne sera pas pourvu à l'amortissement des obligations de l'Emprunt 1864, qui aurait dû avoir lieu le 1er avril, 1880, non plus qu'au paiement des semestrialités des deux autres emprunts échues les 22 mai et 7 juillet, 1880.

ART. XXVI. Les obligations de ces emprunts seront converties, au taux de 80 pour cent de leur valeur nominale, en obligations de la Dette Unifiée au taux de 60 pour cent jouissance du 1er mai, 1880.

ART. XXVII. Les ayants droit recevront en numéraire au moment de la conversion :—

(1) Les intérêts des anciennes obligations, encourus depuis le 1er avril, 1880 (Emprunt 1864), le 7 janvier, 1880 (Emprunt 1865), le 22 novembre, 1879 (Emprunt 1867), jusqu'au 30 avril, 1880, aux taux respectifs de chacun des emprunts.

(2) Le solde du capital converti qui sera inférieur à 12*l.*

ART. XXVIII. La conversion sera faite sans frais pour les porteurs.

Le délai pour le dépôt des anciens titres à échanger est limité au 31 décembre, 1880.

Passé cette date les obligations non représentées seront converties d'office et les nouveaux titres déposés à la Caisse de la Dette Publique pour le compte de qui de droit.

Les anciens titres seront annulés et remis à notre Ministre des Finances.

Notre Ministre des Finances prendra toute les mesures d'exécution que comportera la conversion, ainsi que la paiement des arriérés de coupons et d'amortissement des trois emprunts convertis.

ART. XXIX. Les prescriptions de cinq ans et de quinze ans dont il est parlé aux deux premiers paragraphes de l'Article 22 seront appliquées aux coupons et aux obligations des Emprunts 1864, 1865, et 1867.

La valeur des coupons venus à échéance et des obligations

sorties au tirage depuis l'origine de ces emprunts, qui se trouveront atteints par ces prescriptions, sera appliquée à l'amortissement de la Dette Unifiée.

Attributions de la Caisse de la Dette Publique.

The *Caisse.* ART. XXX. La Caisse de la Dette Publique, instituée par Décret du 2 mai, 1876, recevra les fonds destinés au service des intérêts et de l'amortissement de la Dette Privilégiée et de la Dette Unifiée, et fera l'emploi de ces fonds conformément aux dispositions de la présente loi.

All hypothecated revenue to be paid to it directly. ART. XXXI. Les comptables supérieurs des provinces et Administrations dont les revenus sont affectés au service de la Dette Privilégiée et de la Dette Unifiée verseront ces revenus directement à la Caisse de la Dette et ne seront libérés que par les quittances de la Commission de la Dette.

Accounts to be rendered to it. ART. XXXII. Les comptables supérieurs des quatre provinces affectées fourniront à la Commission de la Dette Publique par l'entremise du Ministère des Finances des relevés mensuels, par nature de droits, faisant connaître :

Les droits constatés de l'année courante et les arriérés dus sur les années antérieures ;

Les recouvrements et les dégrèvements ;

Les sommes retenues pour frais de perception et d'administration ;

Les versements effectués à la Caisse de la Dette ;

Les restes en Caisse au dernier jour du mois ;

Des relevés semblables seront en outre fournis aux dates du 25 avril et du 25 octobre.

ART. XXXIII. L'Administration des Douanes et celle des chemins de fer, des télégraphes, et du port d'Alexandrie fournira également à la Commission de la Dette des relevés mensuels indiquant :

Les droits constatés de l'année, y compris les arriérés dus au 1er janvier sur les années antérieures ;

Les sommes recouvrées et dégrevées ;

Les sommes dues par les Administrations du Gouvernement ;

Les dépenses d'Administration payées ;

Les versements effectués à la Caisse de la Dette;

Les restes en Caisse au dernier jour du mois;

Des relevés semblables seront, en outre, fournis par l'Administration des Douanes aux dates du 25 Avril et du 25 Octobre et par celle des chemins de fer aux dates du 14 Avril et du 14 Octobre.

Its employés

ART. XXXIV. Les Commissaires de la Dette nommeront et révoqueront les employés de la Caisse et régleront les rapports entre la Caisse et ses correspondants.

and expenses.

ART. XXXV. Les dépenses de personnel et de matériel de la Caisse de la Dette, les commissions et allocations diverses de ses correspondants, les frais de change, assurances, transports d'espèces, et généralement toutes dépenses nécessaires pour l'exécution du service des Dettes Privilégiée et Unifiée, seront supportés par le Gouvernement et feront annuellement l'objet d'un Budget arrêté par la Commission de la Dette et approuvé par le Conseil des Ministres.

Notre Ministre des Finances entretiendra à la Caisse de la Dette une avance permanente en rapport avec la partie des dépenses ci-dessus qu'elle devra acquitter directement.

Its annual report.

ART. XXXVI. Annuellement la Commission de la Dette publiera un Rapport sur ses opérations, et soumettra son compte de gestion à l'autorité qui sera constituée pour juger les comptes des Administrations publiques.

No new loan to be contracted without its assent.

ART. XXXVII. Aucun nouvel emprunt, de quelque nature que ce soit, ne pourra être émis par notre Gouvernement, que sur l'avis conforme de la Commission de la Dette.

Il sera loisible toutefois à notre Ministre des Finances de se procurer des avances en compte courant, dans la limite maxima de £ E. 2,000,000.

The *Caisse* may sue the Government.

ART. XXXVIII. Les Commissaires de la Dette, représentants légaux des porteurs de titres, auront qualité pour poursuivre devant les Tribunaux de la Réforme contre l'Administration Financière représentée par notre Ministre des Finances, l'exécution des dispositions concernant les affectations de revenus, les taux d'intérêt des dettes, la garantie du Trésor, et généralement toutes les obligations qui incombent à notre Gouvernement en vertu de la présente loi, à l'égard du service des Dettes Privilégiée et Unifiée.

Confirmation of the Decrees of 1876, as modified.

ART. XXXIX. Sont maintenues avec force exécutoire toutes les dispositions des Décrets des 2 Mai, et 18 Novembre, 1876, concernant les attributions de la Commission de la Dette Publique qui ne sont pas contraires à la présente loi.

TITRE II.

Daïra Sanieh.

The Daïra is State property.

ART. XL. Sont déclarées propriétés de l'État les propriétés des Daïras Sanieh et Khassa, mentionnées dans les états annexés au Contrat du 22 Juillet, 1877, ou dans les inscriptions hypothécaires prises en vertu de ce contrat.

Security for Daïra debt.

ART. XLI. Ces propriétés sont affectées exclusivement à la garantie de la Dette Générale de la Daïra Sanieh, sans préjudice des effets de l'hypothèque consenti par Acte du 19 Août, 1878. Elles seront insaisissables jusqu'à l'entier amortissement de cette dette.

Leurs produits et revenus ne pourront être saisis qu'en raison de dettes particulières, contractées par l'Administration de la Daïra postérieurement au Contrat du 12 Juillet, 1877.

ART. XLII. Le produit des aliénations de ces propriétés sera exclusivement affecté à l'amortissement de la Dette Générale de la Daïra.

ART. XLIII. Il sera payé à la Daïra Sanieh sur les fonds de la liquidation une somme de £E.450,000, tant pour lui rembourser les sommes qu'elle a payées en l'acquit du Gouvernement que pour l'indemniser du préjudice résultant pour elle de la non-exécution des engagements pris à son égard par la Liste Civile.

Moyennant quoi, l'État et la Daïra seront complètement libérés l'un envers l'autre pour toutes causes antérieures au 1er Janvier, 1880, sauf compensation jusqu'à due concurrence de la somme de £E. 450,000, avec les impôts dus par la Daïra pour l'année 1879.

Debt to bear 5 per cent.

ART. XLIV. Les titres de la Dette Générale de la Daïra Sanieh seront productifs d'un intérêt de 5 pour cent du capital nominal, dont 4 pour cent d'intérêt fixe garanti par le Gouvernement sur les ressources générales du Trésor, et 1 pour cent d'intérêt complémentaire.

Il y aura lieu à la distribution de cet intérêt complémentaire

lorsque le produit net des propriétés de la Daïra, constaté dans le compte mentionné à l'Article XLVII, excédera la somme nécessaire au service de l'intérêt à 4 pour cent du capital nominal des titres en circulation et seulement jusqu'à concurrence de cet excédant.

L'intérêt fixe sera payé par moitié de 15 Avril et le 15 Octobre de chaque année sur remise des coupons.

L'intérêt complémentaire sera payé sur quittance spéciale le 15 Avril de chaque année pour l'année précédente.

Il ne devra pas être distribué de fractions d'intérêt inférieures à ¼ pour cent.

ART. XLV. Il sera créé un fonds de réserve composé—

(1) D'une somme de £E. 180,000 prélevée sur celle de £E. 450,000, mentionnée à l'Article XLIII.

(2) Des excédants de revenus nets au-dessus de 5 pour cent dans les limites indiquées à l'Article XLVIII.

Ce fonds de réserve sera placé en titres de la Daïra Sanieh, de l'Emprunt Domanial, de la Dette Privilégiée, ou de la Dette Unifiée, et servira, en cas d'insuffisance de revenus, à parfaire l'intérêt de 4 pour cent.

À chaque échéance le Conseil de Direction décidera dans quelle mesure il y aura lieu d'engager ou de vendre ces titres pour assurer le paiement du coupon, tout en réservant les fonds nécessaires à la marche des Services Administratifs.

ART. XLVI. Si les revenus de l'exercice, augmentés du fonds de réserve, sont insuffisants pour parfaire l'intérêt de 4 pour cent, la Daïra y pourvoira à chaque échéance de coupons par des moyens de trésorerie.

ART. XLVII. En fin d'année la Daïra arrêtera le compte de ses recettes et de ses dépenses. Si les recettes nettes, augmentées des ressources du fonds de réserve déjà employées dans le cours de l'année ou restant libres au 31 Décembre sont inférieures à 4 pour cent du capital nominal des titres en circulation, le Gouvernement versera à la Daïra la différence dans un délai de quinze jours. Annual account.

Tant que ce versement ne sera pas effectué, aucun impôt ne sera exigé de la Daïra dans les provinces non affectées.

ART. XLVIII. La portion des revenus nets qui restera disponible en fin d'année après le paiement des intérêts à

5 pour cent et la constitution du fonds de réserve au chiffre de £E. 350,000, sera employée à l'amortissement.

Redemption.

ART. XLIX. L'amortissement sera fait par rachats jusqu'au cours de 80 pour cent.

Au-dessus de ce cours l'amortissement s'effectuera par tirage à 80 pour cent.

The Administration of the Daïra.

ART. L. L'Administration de la Daïra sera composée d'un Directeur-Général, d'un Conseil de Direction, et d'un Conseil Supérieur.

ART. LI. Le Directeur-Général sera nommé par nous. Il aura tous les pouvoirs d'Administration sous les réserves mentionnées ci-après.

ART. LII. Le Conseil de Direction sera constitué comme l'était le Conseil Supérieur établi par le Contrat du 12 Juillet, 1877, et en aura toutes les attributions.

ART. LIII. La nomination et la révocation de tous les employés supérieurs, ainsi que les baux de terres d'une étendue moindre de 3,000 feddans, passés pour une période n'excédant pas six années, seront soumis à son approbation.

Il lui appartiendra, en outre, d'autoriser le Directeur-Général à ester en justice, soit en demandant, soit en défendant, et de statuer sur les questions administratives dans lesquelles il jugerait à propos d'intervenir.

French and English Controllers.

ART. LIV. Les Contrôleurs de la Daïra seront nommés par nous sur la désignation officieuse des Gouvernements Anglais et Français. À défaut de cette désignation, notre choix se portera sur des fonctionnaires supérieurs des deux pays, en activité de service ou en retraite.

ART. LV. Le Conseil Supérieur se composera de notre Ministre des Finances, des deux Contrôleurs-Généraux, et des membres du Conseil de Direction. Les Contrôleurs-Généraux seront remplacés, en cas d'absence ou d'empêchement, par les Commissaires de la Dette, de leur nationalité respective.

Le Conseil Supérieur aura pour attributions de voter le Budget, de vérifier et d'approuver les comptes annuels de l'Administration, d'autoriser les emprunts, les aliénations et les baux, autres que ceux mentionnés à l'Article LIII, de fixer le chiffre maximum du compte-courant et de déterminer le mode de placement des sommes composant le fonds de réserve.

Toutefois les projets d'aliénation et les baux réservés à son approbation ne lui seront soumis qu'autant que les deux Contrôleurs auront émis un vote favorable dans le Conseil de Direction, et les décisions qu'il prendra à ce sujet ne seront exécutoires qu'après approbation de notre Conseil des Ministres.

ART. LVI. Le Conseil Supérieur aura, en outre, à statuer sur les décisions du Conseil de Direction qui lui seraient déférées par un des membres de ce Conseil.

ART. LVII. Indépendamment des attributions qui leur sont conférées par les dispositions qui précèdent, les Contrôleurs de la Daïra seront considérés comme les représentants légaux des porteurs d'obligations de la Dette Générale de la Daïra. May sue the Government.

Ils pourront, à ce titre, poursuivre par toutes les voies de droit, l'exécution des engagements pris par le Gouvernement envers ces derniers.

ART. LVIII. Les titres de l'Emprunt 1870 et les bons Daïra non-convertis devront être présentés à la conversion avant le 1er Avril, 1881, sous peine de déchéance.

Passé cette date, ces titres ne pourront plus donner lieu à aucune action contre la Daïra, ni contre le Gouvernement.

ART. LIX. L'Administration de la Daïra devra réclamer la remise des titres convertis ou amortis, à toutes personnes qui en sont actuellement dépositaires, et leur en donnera valablement décharge.

ART. LX. Seront prescrits au profit de la Daïra, les coupons de la Dette Générale impayés dans le délai de cinq ans à compter de leurs échéances respectives, et les obligations désignées pour l'amortissement par voie de tirage qui n'auront pas été remboursées dans le délai de quinze ans. Prescription.

Ces délais seront calculés d'après le calendrier Grégorien.

ART. LXI. Les titres de la Dette Daïra Khassa seront, par les soins de notre Ministre des Finances, convertis au pair en titres de la Dette Générale de la Daïra Sanieh, jouissance de 15 Avril, 1880.

Ces titres devront être présentés à la conversion avant le 1er Avril, 1881, sous peine de déchéance.

L'annuité actuellement affectée au service de la Dette Daïra Khassa, soit £E. 34,000, sera versée par notre Ministre des

Finances à la Daïra Sanieh, moitié le 1er Avril, moitié le 1er Octobre de chaque année.

Le coupon de la Daïra Khassa échu le 1er Janvier, 1880, sera payé aux porteurs de titres, lors de la conversion, sur les fonds de la liquidation.

L'intérêt acquis du 1er Janvier au 15 Avril, 1880, leur sera payé, au taux de 5 pour cent sur les ressources générales du Trésor.

ART. LXII. Toutes les clauses du Contrat du 12 Juillet, 1877, sont maintenus en tant qu'elles ne sont pas contraires aux dispositions de la présente loi.

TITRE III.

Dette Non-Consolidée.

Floating debt.

ART. LXIII. L'actif de la liquidation de la Dette Non-Consolidée comprend:—

Assets.

(1) Le solde de l'Emprunt Domanial.

(2) Les soldes en numéraire existant au 31 Décembre, 1879, dans les Caisses des Ministères et dans celles des provinces et Administrations dont les revenus ne sont pas affectés par la présente loi, au service de la Dette Consolidée.

(3) L'excédant des versements de la Moukabalah disponible à la Caisse de la Dette Publique.

(4) Les sommes réalisées ou qui pourront être réalisées sur les droits et taxes de toute nature restant à recouvrer au 31 Décembre, 1879, dans les provinces et Administrations affectées ou non-affectées au service de la Dette Consolidée.

(5) Les biens immeubles du Domaine Privé non affectés à des services publics, à la garantie de l'Emprunt Domanial ou de la Dette Générale de la Daïra Sanieh, jusqu'à extinction de la Dette Non-Consolidée.

(6) Le produit de la conversion des bons ou titres rentrés au Trésor après remboursement de leur montant en exécution de décisions judiciaires.

(7) Les titres de la Dette Privilégiée créés en vertu de l'Article VI de la présente loi.

(8) Dans le cas prévu par l'Article LXX la partie des excé-

dants budgétaires destinée à l'amortissement de la Dette Consolidée aux termes de l'Article XV.

ART. LXIV. Les biens mentionnés au section (5) de l'Article précédent seront insaisissables pour les créanciers de la liquidation de la Dette Non-Consolidée jusqu'au 31 Mars, 1881, et pour tous autres créanciers du Gouvernement jusqu'à la fin de la liquidation.

ART. LXV. Notre Ministre des Finances est autorisé à se procurer, pour les besoins de la liquidation de la Dette Non-Consolidée, une avance de £E. 650,000, en donnant en garantie hypothécaire tout ou partie des biens du domaine désigné au section (5) de l'Article LXIII.

Les biens ainsi donnés en hypothèque demeureront aliénables à charge d'en appliquer le prix, jusqu'à due concurrence, au remboursement intégral de l'emprunt dont il s'agit; jusqu'à ce remboursement et, au plus tard, jusqu'au 31 Décembre, 1882, ils seront insaisissables.

ART. LXVI. Le passif de la liquidation de la Dette Non-Consolidée comprend:— Charges.

(1) Les dettes de l'État résultant de décisions judiciaires ou pouvant résulter d'instances pendantes;

(2) Toutes les dettes, autres que les emprunts publics contractés à l'étranger ou à l'intérieur, qui au cours de la liquidation ont été ou seront reconnues par le Gouvernement et qui résultent de droits acquis antérieurement au 1er Janvier, 1880. Ces dettes seront réglées conformément aux dispositions qui suivent. Les règlements déjà effectués d'après ces dispositions sont approuvés.

ART. LXVII. Seront payables intégralement en espèces:— Modes of payment.

(1) Les arriérés du Tribut de Constantinople;

(2) Les créances garanties par des inscriptions hypothécaires prises antérieurement aux 2 et 3 Février, 1879, sur les biens affectés à la garantie de l'Emprunt Domanial;

(3) Les arriérés de traitements, pensions, et salaires;

(4) Les sommes dues par le Beit-el-Mal et par la Caisse des Orphelins dans les conditions indiquées à l'Article LXXII de la présente Loi;

(5) Les sommes versées à titre de dépôt dans les Caisses de l'État.

ART. LXVIII. Toutes les autres créances contre l'État désignées à l'Article LXVI seront liquidées en capital, intérêts de droit au 15 Avril, 1880, et frais, sous les réserves formulées aux Articles LXXII et suivants. Le paiement en sera effectué dans les conditions suivantes :

30 pour cent en espèces ;

70 pour cent en titres de la Dette Privilégiée au pair, jouissance du 15 Avril, 1880.

Les créances et les reliquats de créances inférieurs à 1,950 piastres tarif (20*l.*) seront payés en espèces.

Les sommes à payer en espèces ne porteront pas intérêt.

ART. LXIX. Les créances pouvant résulter de décisions judiciaires à intervenir dans les instances actuellement pendantes et relatives à des droits acquis antérieurement au 1er Janvier, 1880, seront réglées en capital, frais et intérêts de droit calculés à la date de l'échéance du coupon de la Dette Privilégiée qui précédera le règlement. Elles seront payées de la façon suivante :

30 pour cent en espèces ;

70 pour cent en titres de la Dette Privilégiée au pair, avec jouissance du coupon en cours lors du règlement.

Les sommes à payer en espèces ne porteront pas intérêt.

Les créances et les reliquats de créances inférieurs à 1,950 piastres tarif (20*l.*) seront payés en espèces.

ART. LXX. Une somme de £E. 650,000 nominales en titres de la Dette Privilégiée ou le capital effectif correspondant, sera prélevée sur l'actif et réservée pour le règlement de ces créances.

En cas d'insuffisance de cette réserve il y sera suppléé au moyen des ressources suivantes sur lesquelles, à l'exclusion de toutes autres, ces créanciers pourront exercer leurs droits :

1. Les propriétés engagées à la garantie de l'Emprunt de £E. 650,000 autorisé par l'Article LXV qui resteront invendues après le remboursement intégral du dit emprunt ;

2. Toutes les autres propriétés saisissables et aliénables de l'État ;

3. La partie des excédants de revenus non affectés au service de la Dette Consolidée qui est destinée à l'amortissement par l'Article XV de la présente loi.

Ces ressources ne seront appliquées à l'amortissement qu'après l'extinction complète des créances mentionnées dans l'Article précédent. Nonobstant cette disposition, les excédants budgétaires dont il s'agit conserveront leur caractère de deniers publics.

ART. LXXI. Sont ratifiées les transactions particulières spécifiées dans l'Annexe A, et ayant eu pour objet le règlement de créances garanties par des gages ou des privilèges, ou la résiliation de contrats de fournitures non encore complètement exécutés. Ratification of Annexe A.

ART. LXXII. Seront payées intégralement en titres de la Dette Privilégiée au pair, la créance de l'Administration des Wakfs, arrêtée à la somme de £E. 290,976, et celle de l'Administration des Écoles Nationales, arrêtée à la somme de £E. 13,433.

Les sommes dues à des tiers par la Caisse des Orphelins payables en numéraire seront soldées sur l'actif de la Caisse, soit sur les fonds de la liquidation, en ajoutant au capital un intérêt de 4 pour cent.

ART. LXXIII. Les créanciers dont les droits sont l'objet des Règlements spéciaux édictés par les Articles LXVII et LXXII, et qui sont munis de décisions judiciaires auront l'option entre ces Règlements spéciaux et le Règlement général prévu aux Articles LXVIII et LXIX.

ART. LXXIV. Les créanciers de la Daïra Khassa, porteurs de délégations sur l'ancienne Liste Civile, enregistrées ou visées au Ministère des Finances, ou qui sont munis de décisions judiciaires établissant leurs droits, seront assimilés aux créanciers de l'État et désintéressés dans les conditions indiquées aux Articles LXVIII et LXIX.

Toutefois, ceux d'entre eux qui auraient pris inscription hypothécaire sur des immeubles de la Daïra Khassa auront l'option entre l'exercice de leurs droits hypothécaires et le paiement de leur créance dans les conditions sus-indiquées.

Ces créanciers devront signifier leur option dans le délai de trois mois à partir de la publication de la présente loi, à défaut de quoi ils cesseront d'être considérés comme créanciers de l'État. S'ils exercent leurs droits hypothécaires ils n'auront, pour le surplus de leur créance, aucun recours contre l'État.

L'État sera de plein droit subrogé aux droits hypothécaires des créanciers désintéressés sur les deniers de la liquidation.

Debts and claims of Khedivial family.

ART. LXXV. Seront déduits du montant des dettes de l'État les arriérés dus pour l'année 1878 tant sur la Liste Civile de son Altesse Ismaïl Pacha, que sur les allocations des membres de sa famille désignés ci-après :

Son Altesse la Princesse sa Mère, Leurs Altesses les Princesses ses épouses, Leurs Altesses les Princes et Princesses ses enfants, leurs époux, leurs épouses, et leurs enfants.

Les sommes dues par eux ou leurs Daïras à titre d'impôts ou de taxes arriérés jusqu'au 1er Janvier, 1879, ne leur seront pas réclamées.

En outre, une somme de £E. 225,000 prélevée sur les fonds de la liquidation sera affecté au règlement des dettes des membres de notre famille désignés ci-dessus ainsi que des dettes de la Daïra Khassa autres que celles dont il est parlé à l'Article LXXIV.

Ce règlement sera fait par les soins du Ministère des Finances en se conformant, par analogie, aux dispositions du droit privé applicables par les Tribunaux de la Réforme en matière de contribution.

ART. LXXVI. Une somme de £E. 127,816 est affectée au paiement des arriérés dus sur leurs allocations de l'année 1879, aux membres de notre famille mentionnés à l'Article précédent.

ART. LXXVII. Les arriérés des allocations antérieures au 1er Janvier, 1879, dus aux Princes et Princesses de notre famille autres que ceux dont il est fait mention à l'Article LXXV, seront réglés et payés dans les conditions de l'Article LXVIII.

Les arriérés des allocations de l'année 1879 seront payés intégralement.

ART. LXXVIII. L'annuité de 60,000*l.*, précédemment constituée au profit de son Altesse le Prince Abdul Halim Pacha et représentée par des bons du Trésor au porteur, est réduite, à compter du 1er Janvier, 1880, à £E. 15,000, conformément à notre Décret en date du 21 Janvier, 1880.

Cette annuité sera incessible et insaisissable.

Les bons du Trésor, dits bons Halim, souscrits par le Ministre des Finances le 2 Octobre, 1870 (7 Ragheb, 1287), portant

les No. 23 et suivants jusques et y compris le No. 80, chacun des dits bons d'une valeur de 2,925,000 piastres (30,000*l.*), venant à échéance le 11 Juillet, 1882, et les 11 Janvier et 11 Juillet des années suivantes, sont rayés des livres des dettes de l'État. Aucun des dits bons ne sera payé, en quelques mains qu'il se trouve.

ART. LXXIX. Indépendamment de l'annuité de £E. 15,000 inscrite au Budget de l'État à partir du 1er Janvier, 1880, le montant intégral des cinq bons venant à échéance dans le cours des années 1880 et 1881, et le 11 Janvier, 1882, qui, aux termes du Contrat passé le 11 Juillet, 1870, entre Son Altesse le Khédive, Ismaïl Pacha, et Son Altesse le Prince Halim, ont pu être escomptés, soit 150,000*l.*, sera exigible à partir de la publication de la présente loi, et compris dans la Dette Non-Consolidée pour être réglé et payé dans les conditions spécifiées à l'Article LXVIII.

ART. LXXX. Son Altesse le Prince Halim aura le droit de recueillir les successions qui ont pu ou qui pourront s'ouvrir à son profit à partir du 1er Janvier, 1880, nonobstant la renonciation insérée au Contrat du 11 Juillet, 1870.

ART. LXXXI. Sera considérée comme nulle et non avenue la clause du même contrat, par laquelle le Prince Halim renonce à toute allocation en sa faveur ou en faveur de ses enfants après l'échéance de la dernière des annuités de £E. 15,000 visées dans l'Article LXXVIII.

ART. LXXXII. La situation respective de l'État et de la succession d'Ismaïl Pacha Saddik, demeure fixée ainsi qu'il suit: l'État prend à sa charge les dettes reconnues de la succession, et celles qui peuvent résulter des réclamations dirigées contre elle telles qu'elles sont indiquées au Tableau (B) annexé à la présente loi. Ces dettes seront intégralement payées en espèces. Debts in Annexe B.

Moyennant quoi, l'État et la succession ou ses ayants-droit seront entièrement libérés l'un envers l'autre, sans qu'il puisse y avoir entre eux ni comptes à faire, ni réclamations à formuler, ni droit ou revendications à exercer, pour quelque cause que ce soit.

ART. LXXXIII. Par l'effet des règlements et paiements des créances aux clauses et conditions de la présente loi, l'État et

Liberation of the Egyptian Government by means of the Liquidation.

les Administrations de l'État seront complètement et définitivement libérés envers les créanciers de la liquidation et leurs ayants-droit, quelles que soient leurs causes de préférence, sans qu'il puisse y avoir au sujet de droits acquis antérieurement à 1880, ni autres comptes à faire, ni réclamations à formuler, ni droits ou revendications à exercer de part ou d'autre.

Par suite, les créanciers désintéressés dans les conditions de la présente loi devront, en même temps qu'ils donneront quittance, consentir la radiation de toute transcription ou inscription d'hypothèque, ou de tous autres droits sur les biens de l'État. À défaut de ce consentement, la radiation ou l'annulation devra en être ordonnée par justice.

Il en sera de même de toutes mesures conservatoires ou d'exécution pratiquées à l'encontre du Gouvernement et les Administrations de l'État, antérieurement ou postérieurement à la présente loi, par des créanciers de la liquidation.

Le présent Article ni préjudiciera en rien aux droits réels acquis en vertu d'inscriptions d'hypothèques conventionnelles.

Les frais d'inscription et de radiation des hypothèques seront à la charge de la liquidation.

State property.

ART. LXXXIV. Les biens de l'État énumérés dans le Décret du 16 Juin, 1880, font partie du domaine public insaisissable et imprescriptible, sous réserve, en ce qui concerne les Palais de Minieh et de Roda, de leur affectation à la garantie de la Dette Générale de la Daïra Sanieh, telle qu'elle résulte de l'Article XLI de la présente loi.

Toutefois les droits acquis en vertu d'inscriptions hypothécaires prises sur ces biens antérieurement à la publication du dit Décret sont maintenus.

Les biens immeubles énumérés dans le Décret précité ne pourront être aliénés qu'autant qu'un Décret les aura fait rentrer dans le domaine privé.

Set off.

ART. LXXXV. Toutes sommes dues à l'État ou aux Administrations de l'État par les créanciers de la liquidation, à quelque titre, et pour quelque cause que ce soit, seront compensées avant tout règlement avec leurs créances, sans préjudice des compensations spéciales prévues dans la présente loi.

Actions against the

ART. LXXXVI. À partir de la publication de la présente loi, nul ne sera recevable devant aucune juridiction, pour

quelque cause et sous quelque forme que ce soit, à intenter une action quelconque soit contre le Gouvernement, soit contre les Administrations de l'État, à raison de droits acquis antérieurement au 1er Janvier, 1880, si ce n'est en matière de contestations relatives au montant des dettes mentionnées à l'Article LXVI, et sous les réserves contenues dans les Articles LXVII et suivants. Government barred.

TITRE IV.

Moukabalah[1].

ART. LXXXVII. La Loi de la Moukabalah, rapportée par notre Décret du 6 Janvier, 1880, est et demeure définitivement abrogée sous les réserves contenues dans l'Article V du dit Décret. Moukabalah abolished.

Sont également abrogées les dispositions de l'Article III du même Décret.

Les versements de la Moukabalah reconnus réguliers donneront droit à une indemnité au profit des personnes qui, lors du règlement dont il va être parlé ci-dessous, seront propriétaires des terres auxquelles ont été appliqués ces versements. Compensation for payments.

Seront considérés comme propriétaires, sous réserve des droits des tiers, les personnes inscrites sur les registres des impôts fonciers.

Les propriétaires sus-indiqués devront faire valoir leurs droits dans une demande écrite ou verbale, adressée avant le 1er Janvier, 1881, aux Moudirs ou aux agents désignés à cet effet par le Ministre des Finances, et il leur en sera délivré récépissé.

ART. LXXXVIII. Au vu de ces réclamations, le Ministre des Finances fera établir les décomptes individuels des réclamants en les considérant comme créanciers;

(1) Des versements successifs faits à titre de Moukabalah par eux ou par les précédents propriétaires;

(2) Des intérêts à 4 pour cent de ces versements;

Et comme débiteurs:

1. Des dégrèvements annuels d'impôts fonciers alloués par suite des versements de la Moukabalah;

[1] Cf. supra, pp. 104, 105, 107, 152, 155.

2. Des arriérés d'impôts de toutes sortes et des autres dettes antérieures à 1880, dont les ayants-droit se trouveraient redevables vis-à-vis de notre Gouvernement, et ce nonobstant toutes dispositions contraires;

3. Des intérêts à 4 pour cent de ces dégrèvements, arriérés, et dettes.

Seront éliminés des décomptes les versements opérés en bons du Trésor et en Ragas qui seraient reconnus fictifs et ceux qui auraient été inscrits en vertu d'Ordres Supérieurs non suivis de paiement.

Le reliquat des décomptes, représentant la créance nette de chaque ayant-droit, servira de base à la répartition de l'indemnité.

Annual expenditure.

ART. LXXXIX. Une somme annuelle de £E. 150,000, sera prélevée à compter du 1er Juillet, 1880 pour le service de l'indemnité de la Moukabalah sur les revenus budgétaires destinés à la dette générale, conformément à l'Article XVI.

Elle sera répartie entre les propriétaires ci-dessus désignés sous forme d'annuités applicables, au paiement de la contribution foncière. La répartition sera faite au prorata des créances nettes établies par les décomptes individuels.

Dans le cas où la liquidation ne serait pas achevée à temps pour que la demi annuité de 1880 puisse être appliquée aux contributions de l'année courante, il en sera tenu compte aux contribuables sur les rôles de 1881.

Over 50 years.

ART. XC. Les annuités seront servies pendant une période de cinquante ans.

La constatation en sera faite dans les villages sur un registre spécial présentant, dans des comptes ouverts à chaque ayant-droit, la série des annuités successives ainsi que la désignation détaillée, par lieux dits contenances et quotes-parts d'impôt, des terres auxquelles les annuités seront applicables.

À chaque mutation de propriété, la portion des annuités correspondant à la portion des terres aliénées sera distraite, sur le registre spécial, du compte de l'ancien propriétaire et reportée au compte du nouveau.

ART. XCI. Lors de l'exécution du cadastre l'évaluation des terres et la répartition de l'impôt seront faites sans tenir compte de ces annuités.

ART. XCII. Il sera délivré par le Moudir à chaque ayant-droit, lors de l'établissement des décomptes et à l'occasion des mutations, un certificat énonçant le montant des annuités pour lesquelles il se trouvera inscrit sur le registre spécial du village.

Chaque année les annuités seront inscrites sur les Wirds ou extraits de rôle des contribuables en diminution de leurs impôts fonciers.

Aux époques déterminées par notre Ministre dès Finances, les Sarrafs feront annuellement l'imputation des annuités de l'année courante sur le registre de recette de l'impôt foncier comme d'un versement reçu des ayants-droit sur leurs contributions.

En compensation de ces imputations la dotation des annuités restera à la disposition de notre Ministre des Finances.

Toutefois la portion de la dotation afférente aux provinces qui sont affectées à la Dette Publique devra être reversée à la Caisse de la Dette en deux termes égaux, avant le 26 Avril et le 26 Octobre.

ART. XCIII. Un règlement d'Administration, arrêté en Conseil des Ministres sur la proposition de notre Ministre des Finances, déterminera les mesures à prendre pour l'établissement des décomptes de la Moukabalah, la confection et la tenue des registres d'annuités, et le contrôle des opérations.

TITRE V.

Dispositions Générales.

ART. XCIV. Les frais de toute nature auxquels donneront lieu les opérations de la liquidation seront prélevés sur l'actif général de la liquidation de la Dette Non-Consolidée. Costs of the Liquidation.

ART. XCV. Les reliquats de l'actif de la liquidation de la Dette Non-Consolidée, après extinction de cette dette, seront versés à la Caisse de la Dette Publique et affectés à l'amortissement de la Dette Unifiée.

ART. XCVI. Il sera tenu une comptabilité spéciale des opérations de la liquidation, et pendant toute la durée de ces opérations le compte nous en sera présenté annuellement par Accounts.

notre Ministre des Finances, avant le 31 Mars pour la période écoulée jusqu'au 31 Décembre de l'année précédente.

Ce compte sera publié au 'Moniteur Égyptien.'

ART. XCVII. La présente loi ne portera aucune atteinte aux clauses du contrat intervenu le 14 Avril, 1880, entre notre Gouvernement et les contractants de l'Emprunt Domanial, en vertu desquelles les revenus de la Province de Kéneh sont éventuellement affectés à la garantie de cet emprunt.

ART. XCVIII. La présente loi sera publiée dans le 'Moniteur Égyptien.'

Dès sa publication elle sera exécutoire, nonobstant toutes dispositions contraires résultant des lois, Décrets, Décisions du Conseil Privé, Ordres Supérieurs, Règlements, contrats, ou usages en vigueur.

ART. XCIX. Nos Ministres sont chargés, chacun en ce qui le concerne, de l'exécution de la présente loi.

Fait au Palais de Ras-el-Tin, le 17 Juillet, 1880.

MEHEMET THEWFIK.

TABLEAU (A).

TRANSACTIONS (voir l'Article LXXI).

			P. T.	p.
14 Juin,	1880	Greenfield et Cie.	40,950,000	00
5 Juillet,	1880	G. C. Zuro et Cie.	3,905,816	22
10 Juillet,	1880	Achille Parisot...	721,626	25
23 Mai,	1880	Coppel, Wegersberg and Kirschbaum ...	1,378,650	00
23 Mai,	1880	Remington	6,337,500	00
23 Mai,	1880	Armstrong	2,340,000	00
23 Mai,	1880	Paponot	19,399,138	05
15 Juillet,	1880	Dusseaud, Frères	7,229,683	20
			82,262,414	32

TABLEAU (B).

SUCCESSION D'ISMAÏL PACHA SADDIK (voir l'Article LXXXII).

	P.T.	p.
1. Dettes constatées devant les Mehkémés ne comportant ni intérêts ni frais—		
Moustapha Pacha Saddik	468,347	33
Farida Hanem	77,630	15
Saint-Maurice	32,916	00
Rochmann	36,500	00
Coronco	10,725	00
Mohamed Effendi Barto	11,863	08
	637,982	16
2. Dettes constatées par devant les Tribunaux Mixtes de la Réforme, portant intérêts jusqu'au jour du paiement intégral avec frais et dépens—		
Banque Anglo-Égyptienne. Compte, valuer fin Février 1880	2,632,500	00
Baronne Issaverdens. Compte approximatif ...	234,532	14
Chailan, Frères „ „ ...	52,276	36
Edouard Caprara „ „ ...	63,352	16
Compagnie Fives-Lille „ „ ...	18,794	23
A. Auric „ „ ...	8,444	27
	3,009,900	36
3. Réclamations contestées et pendantes devant les Tribunaux—		
Aïdé et Cie. (Différence sur le prix de Bons qui auraient été achetés pour compte de feu Ismaïl Pacha Saddik)	Mémoire.	
Aïdé et Cie. (Capital prétendu souscrit et non versé en commandite chez Aïdé et Cie.)	„	
Hassan Moussa el Akkad. (Avance prétendue d'une somme d'argent)	„	
Marinelli. (Travaux de fournitures)	„	
Joseph Kahil. (Cession de créance)	„	
4. Honoraires de l'avocat de la succession	„	

*** Note that the arrangement sanctioned by the Powers on 17th March, 1885 (Texts, No. XVIII), affects in several respects the Law of Liquidation: especially with reference to the security for the Unified and Preference loans, which is subjected to a first charge in favour of a new loan, and with reference to the sinking fund. Arts. 21 and 37 of the Law are also affected.

No. XVIII.

Declarations by the Governments of Germany, Austria, Great Britain, France, Italy, Russia, Turkey, and Egypt, with annexed Draft Convention and Draft Decree, signed at London, 17th March, 1885 [1].

1885, 17th March. THE following Declaration has been agreed to by common consent between the Governments of Great Britain, Germany, Austria-Hungary, France, Italy, Russia, and Turkey :—

Declaration.

Sultan authorizes loan. I. The Government of His Imperial Majesty the Sultan authorizes the Government of His Highness the Khedive to issue, under the conditions set forth in the annexed draft, Convention, and Decree, a loan not exceeding 9,000,000*l.* net, and shall grant the Imperial Firman necessary thereto.

The signatories agree to sign annexed Convention II. The Governments of Germany, Austria-Hungary, France, Great Britain, Italy, and Russia having agreed to guarantee this loan, destined to provide for a settlement of the financial situation of the Egyptian Government;

Whereas it is important that certain modifications should be introduced into the Law of Liquidation;

Whereas they recognize the justice of making their subjects in Egypt liable to the same taxes as the natives;

They undertake, conjointly with the Government of His Imperial Majesty the Sultan, to sign a Convention couched in the terms of the annexed draft.

and to accept annexed Decree. They declare their willingness to accept a Decree of His Highness the Khedive expressed in the terms of the annexed draft Decree. They agree that this Decree shall be recognized by the Tribunals of the reform as a binding law so soon as it shall have been officially published by the Government of His Highness the Khedive; and they undertake to bring it collectively to the cognizance of the Powers who took part in the establishment of these Tribunals, and to invite them to give their adhesion to it.

They declare that they accept the application to their subjects in the same manner as to natives the Decree of His

[1] Parl. Papers, 1885, Egypt, No. 6. The signature of the Turkish Ambassador was added, after some hesitation, on 30th March.

Highness the Khedive, dated the 13th March, 1884, respecting the house tax, with this modification: the foreign members of the Commissions and Councils of Revision instituted by Articles 4 and 5 of the said Decree shall be selected by the Consul in the event of the elections having no result, or in the event of the Delegates elected not appearing. If the Delegates selected by the Consul should not appear, then the Commission or Council of Revision shall be empowered to proceed in their absence.

They equally declare that they accept the application to their subjects, in the same manner as to natives, of the stamp tax and licence tax, and they engage to undertake immediately, in concert with the Egyptian Government, the study of the draft Laws establishing these two taxes.

An Act to be drawn guaranteeing the freedom of the Suez Canal.

III. Whereas the Powers have agreed to recognize the urgent necessity for negotiating with the object of sanctioning, by a Conventional Act, the establishment of a definitive regulation guaranteeing at all times, and for all Powers, the freedom of the Suez Canal:

It has been agreed between the seven Governments above named that a Commission composed of Delegates named by the said Governments shall meet at Paris on the 30th March, to prepare and draw up this Act, taking for its basis the Circular of the Government of Her Britannic Majesty of the 3rd January, 1883.

A Delegate of His Highness the Khedive shall sit on the Commission, with a consultative voice.

The draft drawn up by the Commission shall be submitted to the said Governments, who will then take measures to obtain the accession of the other Powers.

The Undersigned, Plenipotentiaries of Great Britain, Germany, Austria-Hungary, France, Italy, Russia, and Turkey, furnished with the necessary powers, declare by these presents that their respective Governments mutually engage to observe the foregoing stipulations.

In witness whereof the Undersigned have signed the present Declaration, and affixed thereto the seal of their arms.

Done at London, the 17th March, 1885.

GRANVILLE. KÁROLYI. NIGRA. [MUSURUS.]
MÜNSTER. WADDINGTON. STAAL.

Declaration by the Egyptian Government.

The Government of His Highness the Khedive undertakes to promulgate the Decree of which the draft is annexed. It further declares that, in so far as the arrangements above mentioned refer to questions of the internal administration of Egypt, the settlement of which appertains to it in virtue of the Firmans of His Imperial Majesty the Sultan, it adheres to these arrangements, and undertakes, as far as it is concerned, to carry them out.

In witness whereof the Undersigned, furnished with the necessary powers to this effect, has signed the present Declaration.

Done at London, the 17th March, 1885.

BLUM.

Annex I. *Draft Convention.*

With a view to facilitate the conclusion by the Egyptian Government of a loan intended partly to provide for the Alexandria indemnities, the payment of which is especially urgent, and as regards the remainder, to settle the financial situation and secure the payment of certain extraordinary expenditure.

The Governments of Great Britain, Germany, Austria-Hungary, France, Italy, Russia, and Turkey have, by common consent, agreed upon the following provisions :—

A loan to be issued.

ART. I. The Egyptian Government, with the consent of His Imperial Majesty the Sultan, and under the guarantee resulting from the present Convention, shall issue, at a rate not to exceed 3½ per cent., the securities required to produce a sum not exceeding 9,000,000*l.*

A Decree of His Highness the Khedive shall fix the rate, the conditions, and the dates of issue.

ART. II. The coupons shall be paid in gold in Egypt, in London, and in Paris, on the 1st March and the 1st September of each year.

In Paris the payments shall be made at the fixed rate of 25 fr. to the pound sterling.

ART. III. The bonds of this loan shall not be subject to any tax for the benefit of the Egyptian Government.

ART. IV. A fixed annuity of 315,000*l.*, to be applied to the service of the loan, shall be levied as a first charge upon the revenues assigned to the service of the Preference and Unified Debts. Annuity to be a first charge.

ART. V. Such portion of this annuity as shall not be absorbed by the payment of interest shall be applied to the redemption of the loan. The redemption shall be effected by purchase at the market price. If the price is above par, it shall be effected by drawings at par, the Egyptian Government, however, reserving to itself the right to pay off the loan at par. Redemption

ART. VI. The service of the new loan shall be conducted by the Egyptian Treasury of the Public Debt, under the same conditions as the service of the Preference and Unified Debts. to be managed by the Caisse,

ART. VII. The Governments of Great Britain, Germany, Austria-Hungary, France, Italy, and Russia undertake either to guarantee jointly and severally, or to ask authority from their Parliaments[1] to guarantee jointly and severally, the regular payment of the annuity of 315,000*l.* above stipulated. guaranteed by six Powers.

ART. VIII. The Commissioners of the Treasury of the Debt shall, fifteen days before each payment is due, render an account to the Egyptian Government in a special Report to be published in the 'Journal Officiel' of the state of the funds assigned to the service of the loan.

ART. IX. All instalments of the loan shall be carried to the account of the Treasury of the Debt.

ART. X. The expenses of remittance and other expenses of the operation shall be levied on the amount of the loan.

The Commissioners of the Treasury of the Debt shall charge on the produce of the loan the sum necessary to complete the payment of the Alexandria indemnities, and shall pay those indemnities to the claimants on behalf of the Egyptian Govern-

[1] The necessary authority was given by a resolution of the House of Commons, on 27th March, 1885.

ment, according to the awards made by the International Indemnity Commission.

The indemnities shall be paid in full, and without arrears of interest.

ART. XI. The surplus of the loan shall be paid over to the Egyptian Government, as that Government may require it.

ART. XII. Any unemployed balance remaining over from the loan shall be applied to the purchase of securities, which shall be cancelled, under the conditions stated in Article V.

ART. XIII. The Treasury of the Public Debt shall, at the end of every half-year, address a Report to the Egyptian Government, showing the manner in which the proceeds of the loan have been employed, according to vouchers produced by the Egyptian Government. This Report shall be published in the 'Journal Officiel.'

ART. XIV. *The present Convention shall be ratified, and the ratifications shall be exchanged in London as soon as possible.*

In witness whereof the respective Plenipotentiaries have signed it, and have affixed to it the seal of their arms.

Signed at London, on the[1]

Annex 2. Draft Decree.

We, the Khedive of Egypt,

With reference to the Law of Liquidation of the 17th July, 1880[2].

With reference to the Convention dated [3] containing the assent of His Imperial Majesty the Sultan to the issue of a loan of 9,000,000*l.*,

Whereas Germany, Austria-Hungary, France, Great Britain, Italy, and Russia have declared that they accept the present Law, and that they have engaged to bring it collectively to the cognizance of the other Powers who took part in the es-

[1] The Convention was signed on 18th March, 1885, by the Plenipotentiaries of all the Powers except Turkey. The signature of the Turkish Plenipotentiary was added on 30th March.

[2] Supra, p. 169.

[3] Signed on behalf of Turkey on 30th, on behalf of the other Powers on 18th March, 1885; Russia restricting her liability to one-sixth.

tablishment of the Mixed Tribunals in Egypt and to invite them to adhere to it,

At the instance of our Council of Ministers,

Have decreed and decree:

ART. I. Our Minister of Finance is authorized to issue at a rate not to exceed 3½ per cent., the quantity of securities required to produce a sum not exceeding £E. 8,775,000 (9,000,000*l.*).

A subsequent Decree shall fix the rate, conditions, and dates of issue.

ART. II. The coupons of this loan will be paid in gold in Egypt, in London, and in Paris, on the 1st March and 1st September of each year.

In Paris, the payments shall be made at a fixed rate of 25 fr. to the pound sterling.

ART. III. The bonds of this loan shall not be subject to any tax for the benefit of our Government.

ART. IV. A fixed annuity of £E. 307,125 (315,000*l.*) to be applied to the service of this loan, shall be levied as a first charge, and under the guarantee resulting from the International Convention of [1] upon the revenues assigned to the service of the Preference Debt and the Unified Debt [2].

ART. V. The portion of this annuity which is not absorbed by the payment of the interest shall be assigned to the redemption of the Guaranteed Loan. The redemption shall be effected by purchase at the market price. If the market price be above par, it shall be effected by drawings at par.

ART. VI. The service of the Guaranteed Loan shall be conducted by the Treasury of the Public Debt, under the same conditions as the Preference and Unified Debts.

ART. VII. The Commissioners of the Treasury of the Debt shall, fifteen days previous to each payment falling due, furnish us with an account, in a special Report to be published in the 'Journal Officiel,' of the state of the funds assigned to the service of the loan.

ART. VIII. All instalments of the loan shall be carried to the account of the Treasury of the Debt.

[1] Signed 18th March, 1885.

[2] This provision is of course in contravention of the Law of Liquidation (Texts, No. XVII).

ART. IX. The expenses of remittance and other expenses of the operation shall be levied on the amount of the loan.

The Commissioners of the Treasury of the Debt shall deduct from the proceeds of the Guaranteed Loan the sum necessary to complete the payment of the Alexandria indemnities, and shall pay those indemnities to the claimants on behalf of our Government according to the awards made by the International Indemnity Commission.

The indemnities shall be paid in full and without arrears of interest. The surplus of the loan shall be paid over by the Commissioners of the Treasury to our Minister of Finance as required.

The portion of the loan remaining after deduction of the amount of the indemnities shall, together with the funds placed at the disposal of our Minister of Finance by Article 24 of the present Law, be assigned to the following charges:—

	£ E.
Making good the deficit of the year 1844 and of previous years	2,657,000
Deficit for 1885, estimated at	1,200,000
Irrigation works	1,000,000
Commutation of pensions	550,000
Funds reserved for the service of the Treasury	500,000
Total	5,907,000

ART. X. Any unemployed balance after provision has been made for the charges indicated above shall be applied, according to the conditions enumerated in Article 5 of the present Law, to the purchase of securities which shall be cancelled.

ART. XI. The Commissioners of the Treasury of the Public Debt shall furnish us at the end of each half-year with a Report showing, according to the vouchers which will be given to them, the manner in which the proceeds of the Guaranteed Loan have been employed. This Report will be published in the 'Journal Officiel.'

ART. XII. A tax of 5 per cent. is established on the amount of the coupons of the Preference and Unified debts[1]. This tax, however, shall only be levied on the amount of the half-yearly payments falling due in 1885 and in 1886. Certificates

[1] In contravention of Art. 21 of the Law of Liquidation, supra, p. 174.

establishing the eventual right of the bondholders to obtain repayment of this tax shall be delivered to them at the time of the repayment of the coupons. If, after the expiration of this period, our Government considers it necessary to maintain, either during a certain number of years, or permanently, the tax established by the present Article, it can only be done after the institution, in agreement with the Powers, of an International Commission, similar to that which drew up the Law of Liquidation, and whose duty it would be to institute a general inquiry into the financial situation of Egypt, and to propose to us such measures as would appear to it suitable, in order to insure a fresh distribution of the resources of the country.

The composition of this Commission shall be settled in agreement with the Powers.

ART. XIII. In the event of our Government having to furnish to the Daïra Sanieh in 1885 and 1886, in accordance with the provisions of Arts. XLIV and XLVII of the Law of Liquidation, a subsidy destined to complete the interest on its debt, it shall deduct from such subsidy, up to the amount thereof only, a sum equal to the proceeds of the tax of 5 per cent. on the whole of the interest at 4 per cent. of the Daïra Debt.

ART. XIV. The same procedure shall be adopted as regards the eventual subsidy paid to the Domains Administration to complete the interest of 5 per cent. which is guaranteed to it by our Government.

The certificates mentioned in Art. XII shall be delivered under the same conditions to the bondholders of the Daïra and Domains.

ART. XV. No tax shall be levied on the coupons of the Daïra and Domains Debts in the event of the revenues specially assigned to those two debts sufficing for their service.

ART. XVI. The redemption of the Privileged and Unified Debts is suspended from the date of the signature of the International Convention, except in the case provided for by Art. XXII which follows:—

The sinking fund of 42,500*l.* provided for by Art. IV of the Convention concluded on the 14th April, 1880, between our

Government and Messrs. Rothschild, is in like manner suspended with the same reservation.

ART. XVII. Will be considered as excess of the revenues of the provinces and Administrations assigned to the service of the Public Debt, the Budget receipts of all kinds assigned to this service by Arts. II and IX of the Law of Liquidation beyond the sum necessary to secure :—

1. The service of the fixed annuity of £ E. 307,125 (315,000*l.*) of the guaranteed loan ;

2. The interest at 5 per cent. of the Privileged Debt ;

3. The interest at 4 per cent. of the Unified Debt,

Subject to a deduction with reference to the two last-mentioned debts of the tax levied under the provisions of Art. XII of the present Law.

ART. XVIII. The excess of revenues of provinces and Administrations not assigned to the service of the Public Debt are settled as follows :—

The sums for the expenses of administration or of improvement ('exploitation') which our Government is authorized to charge upon the gross revenues of the provinces and Administrations concerned may be added to the Budget receipts of all kinds realized in the provinces and Administrations.

From this total will be deducted the sum of £ E. 5,237,000, at which figure the expenses to be charged to the non-assigned revenues are fixed.

The Budget of the railway expenses, including the Railway of Hélouan, having been estimated in the preceding figures at £ E. 555,000, it is understood that the sum of £ E. 5,237,000 will in case of need be increased up to the sum necessary to bring the credits for the Railway service up to the proportion of the 45 per cent. of their gross receipts.

The sum of £ E. 5,237,000 will be also increased by the amount of the subsidies paid by the Ministry of Finance to the Treasury of the Public Debt, to the Daïra, and to the Administration of the Domains, in conformity with Arts. XI, XLIV, and XLVII of the Law of Liquidation, and to the Convention of the 31st October, 1878, concluded between our Government and Messrs. de Rothschild.

ART. XIX. The accounts of the excess of the revenues

assigned for the service of the Debt will be settled annually on the 25th October.

ART. XX. When the revenues of the unassigned provinces and Administrations have been less than the amount of expenses settled by Art. XVIII of this Law, the Treasury of the Debt must levy on its surplus, and pay to our Ministry of Finance, the sum necessary to complete this amount.

When the revenues of the unassigned provinces and Administrations have exceeded the amount of the expenses abovementioned, the excess shall be paid to the Treasury of the Debt.

ART. XXI. The possible surplus in 1885 and 1886 on the total of the revenues assigned and unassigned, after the service of the different debts and of the public expenses, as laid down in the above Articles XVII and XVIII, are provided for, will be deposited in the Treasury of the Debt until the 15th April, 1887.

At that date a distribution of such surpluses will be made by the Commission of the Debt amongst the holders of the certificates mentioned in Articles XII and XIV.

If there is a surplus, it will be assigned to the repayment of the reduction of $\frac{1}{2}$ per cent. effected on the interest of the Suez Canal shares.

If the surplus is insufficient to provide entirely for these different repayments, the surpluses of subsequent years shall be applied to the same object.

Every surplus which is not used for these repayments shall be divided equally between the Budget of the administrative expenses of the Government and the service of the sinking fund.

ART. XXII. The money destined for the sinking fund in virtue of the preceding Article will be to the amount of £ E. 87,750 (90,000*l.*) employed exclusively to the redemption of Guaranteed Loan.

The surplus will be assigned to the redemption of the other debts in the manner which has been established by the Law of Liquidation, and by the contracts concluded between our Government and Messrs. de Rothschild.

ART. XXIII. All the debts mentioned in Art. LXVI of

the Law of Liquidation must, under penalty of forfeiture, be claimed from our Government before the 1st January, 1886. Those which, by that date, have not been formally claimed, either by a suit brought before the Tribunals, or by a receipt issued by a competent authority, or by an order of the Court, will be definitely barred and cannot afterwards form the subject of any action against our Government.

ART. XXIV. The Treasury of the Public Debt will reserve, for the purpose of insuring the settlement of the debts of the Liquidation which are still undecided, the bonds of the Privileged Debt, and the bonds of the Unified Debt which form part of the Liquidation funds of which it has the actual custody. All the surplus of the funds of the Liquidation as it is constituted by Art. LXIII of the Law of Liquidation will be at the disposal of our Government for assignment to the charges specified in Articles IX and X of the present law.

The bonds which may remain in the Treasury of the Debt after payment of all the debts of the Liquidation will be cancelled.

ART. XXV. The power given to our Minister of Finance by Art. XXXVII of the Law of Liquidation to obtain advances on the current account is restricted to a maximum limit of £ E. 1,000,000.

ART. XXVI. The Reform Tribunals shall not have cognisance of the suit instituted by the Commissioners of the Treasury of the Public Debt against the Government of Egypt, the President of the Council, the Minister of Finance, the Mudirs, the Directors of the assigned Administrations, either in their public or private capacity, for payment of sums assigned to the sinking fund, and which have been paid directly to the Treasury of the Ministry of Finance during the months of September and October 1884[1].

ART. XXVII. *This Law shall be published in the 'Journal Officiel.'* It will take effect from the date of its publication, notwithstanding any provisions to the contrary resulting from the Laws or Decrees in force.

ART. XXVIII. Our Ministers are intrusted, each in so far as he is concerned, with the execution of this Law.

[1] Supra, p. 108.

Declaration.

The undersigned Plenipotentiaries declare that the adhesion of the Powers to Art. XXVI of the Decree does not imply recognition of the legality of the use to which the sinking fund of the Egyptian Debt has been applied.

Done at London, the 17th March, 1885.

GRANVILLE.
MÜNSTER.
KÁROLYI.
WADDINGTON.
NIGRA.
STAAL.
[MUSURUS.]

CHAPTER V.

THE LEBANON.

1842–1883.

AFTER the conquest of Syria in 1516 by the Sultan Selim I, the Lebanon was ruled by a succession of Mussulman Emirs, the most celebrated of whom, Beshir, governed with success from 1790 to 1840, latterly by the help of Mehemet Ali.

Disturbances of 1841.

The withdrawal of the Egyptian troops from Syria in 1841[1] was followed by anarchy in the mountain[2]. Lord Palmerston, accordingly, on 15th June of that year, writes that—'Her Majesty's Government feel especially called upon to address the Turkish Government on this matter, on account of the oppression which Haji Nejib is said to practise upon the Christians. For England having, in conjunction with other Christian powers, succeeded in restoring Syria to the Sultan, she is entitled to expect that the Sultan, in return for such assistance, should secure his Christian subjects from oppression.'

Conference at Constantinople, 1842.

A Conference of representatives of Austria, France, Great Britain, Prussia, and Russia met at Constantinople on 27th May, 1842, with the ultimate result that the Turkish Minister for Foreign Affairs announced, on 7th December, that the Porte had conformed to the advice of the Five Powers, and would appoint separate Kaimakams for the Druses and Maronites respectively[3]. This arrangement was in force, with

[1] Vide supra, p. 98.

[2] For a description of the state of the country in 1841, see the Annual Register for that year.

[3] Parl. Papers, 1843, vol. lx, contains the negotiations upon the subject from May 1841 to January 1843. Cf. De Testa, Traités, ii. p. 66.

but moderate success, for nearly twenty years[1]. In 1860 the Lebanon was the scene of wholesale massacres of the Maronites by the Druses. Whereupon a Conference of the representatives of the Five Powers and of Turkey was held at Paris, and on 3rd August two Protocols were signed by them to the following effect[2]:—

Disturbances of 1860.

Conference at Paris.

Protocol (1) of 3rd August.

His Imperial Majesty the Sultan, wishing to stop, by prompt and efficacious measures, the effusion of blood in Syria, and to show his firm resolution to establish order and peace amongst the populations placed under his sovereignty, and their Majesties the Emperor of Austria, the Emperor of the French, the Queen of the United Kingdom of Great Britain and Ireland, His Royal Highness the Prince Regent of Prussia, and His Majesty the Emperor of all the Russias, having offered their active co-operation, which His Majesty the Sultan has accepted, the Representatives of their said Majesties and of His Royal Highness have agreed upon the following Articles:—

Art. 1. A body of European troops, which may be increased to 12,000 men, shall be sent to Syria to contribute towards the re-establishment of tranquillity.

Art. 2. His Majesty the Emperor of the French agrees to furnish immediately the half of this body of troops. If it should become necessary to raise its effective force to the number stipulated in the preceding Article, the High Powers would come to an understanding with the Porte without delay by the ordinary course of diplomacy, upon the designation of those among them who would have to povide it.

Art. 3. The Commander-in-chief of the expedition will, on his arrival, enter into communication with the Commissioner Extraordinary of the Porte, in order to concert all the measures required by circumstances, and to take up the positions which there may be occasion to occupy in order to fulfil the object of the present Act.

Art. 4. Their Majesties the Emperor of Austria, the Emperor of the French, the Queen of the United Kingdom of Great Britain and Ireland, His Royal Highness the Prince Regent of Prussia, and His Majesty the Emperor of all the Russias, promise to maintain, on the coast of Syria, sufficient naval forces to contribute towards the success of the common

[1] For notes exchanged between the Porte and the Powers, 1843–1845, see N. R. G. viii, 10, 28.

[2] Parl. Papers, 1860; N. R. G. xvi, 2 P., 638, 640.

efforts for the maintenance of the re-establishment of tranquillity on the coast of Syria.

Art. 5. The High Parties, convinced that such a period will be sufficient to attain the object of pacification which they have in view, fix at six months the duration of the occupation of the European troops in Syria.

Art. 6. The Sublime Porte undertakes to facilitate, as far as lies in her power, the furnishing supplies and provisions for the expeditionary corps.

It is understood that the six preceding Articles will be embodied verbatim into a Convention, which will receive the signatures of the undersigned Representatives as soon as they are furnished with full powers from their Sovereigns, but that the stipulations of this Protocol will immediately come into force.

The Chargé d'Affaires of Prussia, however, points out that the present distribution of the Prussian ships of war will not permit his Government to co-operate at present in the execution of Article 4.

Protocol (2) of 3rd August.

The Plenipotentiaries of, &c., desirous of establishing, in conformity with the intentions of their respective Courts, the true character of the assistance afforded to the Sublime Porte by the provisions of the Protocol signed this day, the feelings which have dictated the clauses of this Act and their perfect disinterestedness, declare in the most formal manner that the Contracting Powers do not intend to seek for and will not seek for, in the execution of their engagements, any territorial advantages, any exclusive influence, or any concession with regard to the commerce of their subjects, such as could not be granted to the subjects of all other nations.

Self-denying Clause.

Reference to Art. 9 of Treaty of Paris.

Nevertheless they cannot refrain, in recalling here the acts issued by the Sultan, the great importance of which was established by Article IX of the Treaty of March 30, 1856[1], from expressing the value which their respective Courts attach to the fulfilment of the solemn promises of the Porte that serious administrative measures should be taken to ameliorate the condition of the Christian population of every sect in the Ottoman Empire.

The Plenipotentiary of the Sublime Porte takes note of this declaration of the Representatives of the High Contracting Powers, and undertakes to transmit it to his Court, pointing

[1] I. e. in particular, the Hatti-Humayoun of 18th February 1856, q. v. Appendix, No. I.

out that the Sublime Porte has employed and continues to employ its efforts in the sense of the wish expressed above.

The former of these Protocols was converted *verbatim* into a Convention, on 5th September[1], and the period of occupation allowed by it was prolonged by another Convention, of 19th March, 1861, to 5th June, 1861[2]. Conventions of 1860 and 1861.

In pursuance of these Conventions, a French army landed in Syria on 16th August, 1860, and, having pacified the country, re-embarked in June, 1861. In the meantime a Commission of the Five Powers, on which Lord Dufferin represented Great Britain, had been sitting at Beyrout (26th September, 1860, to 4th May, 1861) and had proposed two alternative schemes for the government of the Lebanon[3]. These were considered at Constantinople by the Ambassadors of the Powers and by Aali Pasha, who, on 9th June, adopted a *Règlement* for the re-organization of the country under a single Christian governor; thus reversing the policy of the settlement of 1842[4]. By a Protocol signed at the same time it was agreed that the Christian Governor should hold office for three years, and that the Porte should consult the Powers as to the appointment of a successor[5]. The Règlement of 1861.

Daoud Pasha, an Armenian Catholic, was appointed Governor, and was re-appointed for five years more, from 9th June, 1864, in which year a Conference was held at Constantinople, which adopted, on 6th September, a new *Règlement*, superseding that of 1861, from which it however differed only in a few particulars[6]. The Règlement of 1864.

In May, 1868, Daoud resigned, and was succeeded by Franco-Nasri Pasha. A Protocol signed on 27th July, on behalf of the Porte and Five Powers, with the addition of Italy, agrees that he shall hold office for not less than ten

[1] Parl. Papers, 1861; N. R. G. xviii, 224.
[2] Parl. Papers, 1861; N. R. G. xvii, 2 P., 52–100.
[3] Parl. Papers, 1861, Syria, Pt. 2, p. 112.
[4] Ibid. p. 127; N. R. G. xvii, Pt. 2, 101.
[5] Ibid.; infra Texts, No. I.
[6] N. R. G. xviii, 227; Texts, No. II..

years[1]. Franco-Nasri having died, Rustem Pasha was appointed also for ten years, as was agreed by a Protocol of the Porte and the Six Powers on 22nd April, 1873[2]. A Protocol signed by the representatives of the same Powers on 8th May, 1883, sanctions the nomination of Wassa Pasha, in the place of Rustem, for a similar period[3]. The Powers and the Porte declare that they uphold the provisions of the Protocols of 27th July, 1868, and 22nd April, 1873, as to the term of ten years assigned to the powers of the Governor, and uphold at the same time those dispositions of anterior Protocols which have not been modified, or which have been confirmed, by the said Protocols.

TEXTS.

No. I[4].

1861, 9th June. *Protocol signed by Aali Pasha and the Representatives of the Five Powers, at a Conference held at Pera, 9th June, 1861.*

Protocole adopté par la Porte et les Représentants des Cinq Grandes Puissances à la suite de l'entente à laquelle a donné lieu de leur part l'examen du projet de Règlement élaboré par une Commission Internationale pour la réorganisation du Liban. *Ce projet de Règlement, daté du 1 Mai, 1861, ayant été, après modifications introduites d'un commun accord, converti en règlement définitif, sera promulgué sous la forme de firman par Sa Majesté Impériale le Sultan, et communiqué officiellement aux Représentants des Cinq Grandes Puissances*[5].

L'Article I a donné lieu à la déclaration suivante faite

[1] N.R.G. ibid. 233. [2] N.R.G. 2me Série, iii, 561.

[3] Parl. Papers, 1883, Turkey, No. 1, p. 23; N.R.G. 2me Série, ix, 233; Texts, No. III.

[4] Parl. Papers, 1861, Syria, Pt. 2, p. 127; N.R.G. xvii, 2 P., 101.

[5] This Protocol is maintained in force by the Protocol of 6th September, 1864, q.v. infra; but the Règlement here mentioned is superseded by the Règlement of that date.

par son Altesse Aali Pacha, et acceptée par les cinq Représentants:—

'Le Gouverneur Chrétien chargé de l'administration du Liban sera choisi par la Porte, dont il relevera directement. Il aura le titre de Mouchir, et il résidera habituellement à Deir-el-Kamar, qui se trouve replacée sous son autorité directe. Investi de l'autorité pour *trois*[1] ans, il sera néanmoins amovible, mais sa révocation ne pourra être prononcée qu'à la suite d'un jugement. Trois mois avant l'expiration de son mandat, la Porte avant d'aviser provoquera une nouvelle entente avec les Représentants des Grandes Puissances.'

The Governor to be nominated by the Porte, after consulting the Powers.

Il a été entendu également que le pouvoir conféré par la Porte à ce fonctionnaire, de nommer sous sa responsabilité les Agents Administratifs, lui serait conféré une fois pour toutes, au moment où il serait lui-même investi de l'autorité, et non pas à propos de chaque nomination.

Relativement à l'Article X, qui a trait au procès entre les sujets ou protégés d'une Puissance étrangère, d'une part, et les habitants de la Montagne d'autre part, il a été convenu qu'une Commission Mixte siégeant à Beyrout serait chargée de vérifier et de réviser les titres de protection.

Afin de maintenir la sécurité et la liberté de la grande route de Beyrout à Damas en tout temps, la Sublime Porte établira un blockhouse sur le point de la susdite route qui lui paraîtra le plus convenable.

Le Gouverneur du Liban pourra procéder au désarmement de la Montagne lorsqu'il jugera les circonstances et le moment favorables.

Disarmament.

Pera, le 9 Juin, 1861.

AALI.
HENRY L. BULWER.
LAVALETTE.
PROKESCH-OSTEN.
GOLTZ.
A. LOBANOW.

[1] This term was extended by the Protocol of 1864 to five, and by the Protocols of 1868, 1873, and 1883 to ten years.

No. II[1].

1864, 6th Sept. *Règlement for the Lebanon, adopted at Constantinople, 6th September, 1864, by Turkey and the representatives of the Five Powers; followed by a Protocol of the same date.*

The Governor. ART. I. Le Liban sera administré par un Gouverneur chrétien, nommé par la Sublime Porte en relevant d'Elle directement.

Ce fonctionnaire amovible sera investi de toutes les attributions du pouvoir exécutif, veillera au maintien de l'ordre et de la sécurité publique dans toute l'étendue de la Montagne, percevra les impôts et nommera, sous sa responsabilité, en vertu du pouvoir qu'il recevra de Sa Majesté Impériale le Sultan, les agents administratifs; il instituera les juges, convoquera et présidera le Medjlis administratif central, et procurera l'exécution de toutes les sentences légalement rendues par les tribunaux, sauf les révisions prévues par l'Article VIII.

The Administrative Council. ART. II. Il y aura pour toute la Montagne un Medjlis administratif central composé de douze membres délégués par les mudiras, et répartis entre les différents mudirats dans la proportion suivante :

(1 et 2) Les deux mudirats du Kesrouan délégueront chacun un Maronite;

(3) Le mudirat du Djezzin : un Maronite, un Druse et un Musulman;

(4) Le mudirat de Meten : un Maronite, un Grec orthodoxe, un Druse et un Métuali :

(5) Le Chouf, un Druse;

(6) Le Koura, un Grec orthodoxe;

(7) Zahleh, un Grec catholique.

Ce Medjlis administratif sera chargé de répartir l'impôt, contrôler la gestion des revenus et dépenses, et donner son avis consultatif sur toutes les questions qui lui seront posées par le Gouverneur.

Arondissements. ART. III. La Montagne sera divisée en sept arrondissements administratifs, savoir :

[1] N. R. G. xviii, p. 227.

(1) Le Koura, y compris la partie inférieure et les autres fractions de territoire avoisinantes dont la population appartient au rite grec orthodoxe, moins la ville de Kalmoun, située sur la côte et à peu près exclusivement habitée par les Musulmans ;

(2) La partie septentrionale du Liban, comprenant Djebet, Bcherré, Zavié et Belad Batroun ;

(3) La partie septentrionale du Liban, comprenant Belad Djébeil Djebet, Mneitra, Fetouh et le Kesrouan proprement dit jusqu'à Nahr-el-Kelb ;

(4) Zahleh et son territoire ;

(5) Le Meten, y compris le Sahel chrétien et les territoires de Kata et de Solima ;

(6) Le territoire situé au sud de la route de Damas jusqu'à Djezzin ;

(7) Le Djezzin et le Teffah.

Il y aura dans chacun de ces arrondissements un agent administratif nommé par le Gouverneur et choisi dans le rite dominant, soit par le chiffre de la population, soit par l'importance de ses propriétés.

Cantons. ART. IV. Les arrondissements administratifs seront divisés en cantons, dont le territoire sera à peu près réglé sur celui des anciens Aklims.

À la tête de chaque canton il y aura un agent nommé par le Gouverneur, sur la proposition du chef de l'arrondissement, et à la tête de chaque village un cheikh choisi parmi les habitants et nommé par le Gouverneur.

Equal rights. ART. V. Egalité de tous devant la loi ; abolition de tous les priviléges féodaux et notamment de ceux qui appartiennent aux Mokatadjis.

Courts. ART. VI. Il y aura dans la Montagne trois tribunaux de première instance, composés chacun d'un juge et d'un substitut nommés par le Gouverneur, et de six défenseurs d'office désignés par les communautés, et au siége du Gouverneur un Medjlis judiciaire supérieur, composé de six juges choisis et nommés par le Gouverneur dans les six communautés, Musulmane, Sunni et Métuali, Maronite, Druse, Grecque orthodoxe et Grecque catholique, et de six défenseurs d'office désignés par chacune de ces communautés, et auxquels on

adjoindra un juge et un défenseur d'office de cultes protestant et israélite, toutes les fois qu'un membre de ces communautés aura des intérêts engagés dans le procès.

Le Tribunal supérieur sera présidé par un fonctionnaire nommé *ad hoc* par le Gouverneur. Il est réservé au Gouverneur la faculté de doubler le nombre des tribunaux de première instance dans le cas où des nécessités locales en auront constaté l'urgence, et de fixer, en attendant, les localités où devront fonctionner les trois tribunaux de première instance dans l'intérêt de la distribution régulière de la justice.

Village sheikhs. ART. VII. Les cheikhs de village remplissant les fonctions de juges de paix jugeront sans appel jusqu'à concurrence de deux cents piastres.

Les affaires au-dessus de deux cents piastres seront de la compétence des Medjlis judiciaires de première instance.

Mixed suits. Les affaires mixtes, c'est-à-dire entre particuliers n'appartenant pas à un même rite, quelle que soit la valeur engagée dans le procès, seront immédiatement portées devant le tribunal de première instance, à moins que les parties ne soient d'accord pour reconnaître la compétence du juge de paix du défendeur.

En principe, toute affaire sera jugée par la totalité des membres du Medjlis. Néanmoins, quand toutes les parties engagées dans le procès appartiendront au même rite, elles auront le droit de récuser le juge appartenant à un rite différent ; mais, dans ce cas, les juges récusés devront assister au jugement.

Criminal jurisdiction. ART. VIII. En matière criminelle, il y aura trois degrés de juridiction. Les contraventions seront jugées par les cheikhs des villages, remplissant les fonctions des juges de paix ; les délits, par les tribunaux de première instance, et les crimes, par le Medjlis judiciaire supérieur, dont les sentences ne pourront être mises à exécution qu'après l'accomplissement des formalités d'usage dans le reste de l'Empire.

The Court at Beyrout. ART. IX. Tout procès en matière commerciale sera porté devant le Tribunal de commerce de Beyrouth, et tout procès, même en matière civile, entre un sujet ou protégé d'une Puissance étrangère et un habitant de la Montagne, sera soumis à la juridiction de ce même Tribunal.

Toutefois, autant que possible, et après entente entre les parties, les contestations entre des habitants du Liban et des sujets étrangers pourront être jugées par arbitrage, et, dans ce cas, l'autorité impériale du Liban et les Consulats des Puissances amies seront tenus de faire exécuter les sentences arbitrales. Mais, dans le cas où des contestations seraient portées devant le Tribunal de Beyrouth, faute d'entente entre les parties de soumettre leur différend à un arbitrage, la partie perdante sera tenue de payer les frais de déplacement d'après un tarif établi d'accord entre le Gouverneur du Liban et le Corps consulaire de Beyrouth et sanctionné par la Sublime Porte. Il reste bien entendu que les actes de compromis devront être rédigés légalement, signés par les parties et enregistrés tant au Tribunal de Beyrouth qu'au Medjlis judiciaire supérieur de la Montagne. Arbitration.

ART. X. Les juges sont nommés par le Gouverneur. Les membres du Medjlis administratif sont élus dans les arrondissements par les cheikhs des villages. Les cheikhs des villages sont choisis par la population de chaque village. Le personnel du Medjlis administratif sera renouvelé par tiers tous les deux ans, et les membres sortants pourront être réélus. Appointment

ART. XI. Tous les juges seront rétribués.

Si, après enquête, il est prouvé que l'un d'entre eux a prévariqué, ou s'est rendu, par un fait quelconque, indigne de ses fonctions, il devra être révoqué, et sera, en outre, passible d'une peine proportionnée à la faute qu'il aura commise. and removal of Judges.

ART. XII. Les audiences de tous les Medjlis judiciaires seront publiques, et il en sera rédigé procès-verbal par un greffier institué *ad hoc*. Ce greffier sera en outre chargé de tenir un registre de tous les contrats portant aliénation de biens immobiliers, lesquels contrats ne seront valables qu'après avoir été soumis à la formalité de l'enregistrement. Register of sales.

ART. XIII. Les habitants du Liban qui auront commis un crime ou délit dans un autre Sandjak seront justiciables des autorités de ce Sandjak, de même que les habitants des autres arrondissements qui auraient commis un crime ou délit dans Criminals.

la circonscription du Liban seront justiciables des tribunaux de la Montagne.

En conséquence, les individus indigènes ou non indigènes qui se seraient rendus coupables d'un crime ou délit sur le Liban, et qui se seraient évadés dans un autre Sandjak, seront, sur la demande de l'autorité de la Montagne, arrêtés par celle du Sandjak où ils se trouvent et remis à l'administration du Liban.

De même, les indigènes de la Montagne ou les habitants d'autres départements qui auront commis un crime ou délit dans un Sandjak quelconque et autre que le Liban, et qui s'y seront réfugiés, seront, sans retard, arrêtés par l'autorité de la Montagne, sur la demande de celle du Sandjak intéressé, et seront remis à cette dernière autorité. Les agents de l'autorité qui auraient apporté une négligence ou des retards non justifiés dans l'exécution des ordres relatifs au renvoi des coupables devant les tribunaux compétents seront, comme ceux qui chercheraient à dérober les coupables aux poursuites de la police, punis conformément aux lois.

Enfin, les rapports de l'Administration du Liban avec l'Administration respective des autres Sandjaks seront exactement les mêmes que les relations qui existent et qui seront entretenues entre tous les autres Sandjaks de l'Empire.

Police. ART. XIV. En temps ordinaire, le maintien de l'ordre et l'exécution des lois seront exclusivement assurés par le Gouverneur au moyen d'un corps de police mixte, recruté à raison de sept hommes environ par mille habitants.

L'exécution par garnisaires devant être abolie et remplacée par d'autres modes de contrainte, tels que la saisie ou l'emprisonnement, il sera interdit aux agents de police, sous les peines les plus sévères, d'exiger des habitants aucune rétribution, soit en argent, soit en nature. Ils devront porter un uniforme ou quelque signe extérieur de leurs fonctions.

Jusqu'à ce que la police locale ait été reconnue par le Gouverneur en état de faire face à tous les devoirs qui lui seront imposés en temps ordinaire, les routes de Beyrouth, à Damas et de Saïda à Tripoli seront occupées par des troupes impériales. Ces troupes seront sous les ordres du Gouverneur de la Montagne.

En cas extraordinaire et de nécessité, et après avoir pris l'avis du Medjlis administratif central, le Gouverneur pourra requérir, auprès des autorités militaires de la Syrie, l'assistance des troupes régulières. Troops.

L'officier qui commandera ces troupes en personne devra se concerter, pour les mesures à prendre, avec le Gouverneur de la Montagne ; et, tout en conservant son droit d'initiative et d'appréciation pour toutes les questions purement militaires, telles que les questions de stratégie ou de discipline, il sera subordonné au Gouverneur de la Montagne durant le temps de son séjour dans le Liban, et il agira sous la responsabilité de ce dernier.

Ces troupes se retireront de la Montagne aussitôt que le Gouverneur aura officiellement déclaré à leur commandant que le but pour lequel elles ont été appelées a été atteint.

ART. XV. La Sublime Porte se réservant le droit de lever, par l'intermédiaire du Gouverneur du Liban, les 3,500 bourses qui constituent aujourd'hui l'impôt de la Montagne, impôt qui pourra être augmenté jusqu'à la somme de 7,000 bourses lorsque les circonstances le permettront, il est bien entendu que le produit de ces impôts sera affecté avant tout aux frais d'administration de la Montagne et à ses dépenses d'utilité publique ; le surplus seulement, s'il y a lieu, entrera dans les caisses de l'État. Taxation.

Si les frais généraux strictement nécessaires à la marche régulière de l'Administration dépassaient le produit des impôts, c'est au Trésor impérial à pourvoir à ces excédants de dépense.

Les bekaliks ou revenus des Domaines impériaux étant indépendants de l'impôt, ils seront versés dans la caisse du Liban, au crédit de la comptabilité de cette caisse avec le Trésor impérial. State property.

Mais il est entendu que, pour les travaux publics ou autres dépenses extraordinaires, la Sublime Porte n'en serait responsable qu'autant qu'elle les aurait approuvés préalablement.

ART. XVI. Il sera procédé le plus tôt possible au recensement de la population par commune et par rite, et à la levée du cadastre de toutes les terres cultivées. Census and Survey.

Ecclesiastical jurisdiction.

ART. XVII. Dans toute affaire où les membres du clergé séculier ou régulier sont seuls engagés, ces parties, prévenues ou accusées, resteront soumises à la juridiction ecclésiastique, sauf le cas où l'autorité épiscopale demanderait le renvoi devant les tribunaux ordinaires.

ART. XVIII. Aucun établissement ecclésiastique ne pourra donner asile aux individus, soit ecclésiastiques, soit laïques, qui sont l'objet de poursuites du ministère public.

Arrêté et convenu à Constantinople, le 6 septembre 1864.

AALI.
H. BULWER.
PROKESCH-OSTEN.
IGNATIEFF.
STEFFENS.
E. DE BONNIÈRES.

Protocole.

La Sublime Porte, d'accord avec les Représentants de l'Autriche, de la France, de la Grande-Bretagne, de la Prusse et de la Russie, maintient toutes les dispositions du Protocole signé à Constantinople le 9 juin 1861, ainsi que celles de l'article additionnel de même date.

S. A. Aali-Pacha déclare cependant que la Sublime Porte a confirmé en son poste le Gouverneur actuel du Liban pour cinq ans encore, à partir du 9 juin 1864.

Sublime Porte, le 6 septembre 1864.

AALI.
H. BULWER.
PROKESCH-OSTEN.
IGNATIEFF.
STEFFENS.
E. DE BONNIÈRES.

No. III.

1883, 8th May.

Protocol of a Conference held at Constantinople, on 8th May, 1883, *with reference to the Administration of the Lebanon* [1].

Le poste de Gouverneur du Liban étant devenu vacant par

[1] Parl. Papers, 1884, Turkey, No. 1, p. 23; N. R. G. 2me Série, iii, 561.

suite de l'expiration des pouvoirs de Rustem Pacha, sa Majesté Impériale le Sultan a daigné nommer Wassa Pacha, Mustéchar du Gouverneur-général et Gouverneur du chef-lieu de Vilayet d'Adrinople, en qualité de nouveau gouverneur.

Les Représentants des Puissances signataires du Règlement organique du Liban en date du 9 juin 1861, de celui du 6 septembre 1864, du Protocole du 27 juillet 1868, et de celui du 22 avril 1873, réunis en conférence chez le Ministre des Affaires Étrangères de Sa Majesté le Sultan, ont été unanimes pour constater, par le présent Protocole, l'accord préalable qui, à l'occasion de cette nomination, s'est établi entre eux et la Sublime Porte.

The Governor to hold office for ten years.

La Sublime Porte, ainsi que les Représentants des Puissances, déclarent maintenir les dispositions du Protocole du 27 juillet 1868, et de celui du 22 avril 1873, relatives au terme de dix ans assigné aux pouvoirs du gouverneur, et maintenir en même temps celle des dispositions des Protocoles antérieures, qui n'ont pas été modifiées ou qui ont été confirmées par les dites Protocoles.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent Protocole, et y ont apposé le sceau de leurs armes.

Fait à Constantinople, le 8 mai 1883.

A. AARIFI.
HUGH WYNDHAM.
RADOWITZ.
CALICE.
MARQUIS DE NOAILLES.
A. DI COLLOBIANO.
NÉLIDOW.

CHAPTER VI.

THE BALKAN PENINSULA, ETC.

1856–1885.

The action of the Powers.

In the preceding chapters we have traced the gradual emancipation, under the supervision of Europe, of isolated out-lying portions of the Ottoman Empire. We now approach a larger subject. During the last thirty years the Powers have assumed to deal with the central mass of the Empire; pruning it of its appendant tributary provinces, and recognising them under various conditions as independent states; readjusting its frontiers; regulating its waterways; and even supervising the details of its local administration.

The action of Russia.

This interference on the part of the Powers collectively has been largely due to attempts on the part of Russia to interfere single-handed with the destinies of Eastern Europe. In 1853, and again in 1877, Turkish misgovernment and Christian discontent were the opportunity of Russia. At the former date, as the champion of Orthodoxy, at the latter, as the saviour of Nationalities akin to her own, she entered on the path which leads to the Bosphorus. On both occasions she was too strong for the Turks, and the question for decision was whether she was to deal according to her good will and pleasure with the Ottoman Empire, as she had often done before, from the treaty of Kainardji down to the treaty of Adrianople; or whether the fate of that empire was a matter which concerned the European Powers in common. The question was answered in 1878 as it had been answered in 1856, but a second Crimean

War was avoided. At the Congress of Paris, Russia had to renounce the pretensions which she had gone to war to maintain. At the Congress of Berlin she had to submit to the re-settlement of her contract with Turkey from the point of view of the general interest of Europe. The treaties of Paris and of Berlin thus resemble one another, in that both alike are a negation of the right of any one Power, and an assertion of the right of the Powers collectively, to regulate the solution of the Eastern question.

Similarities between the Treaties of Paris and Berlin.

But these two great treaties differ considerably from one another in several important particulars. The Treaty of Paris was primarily a treaty of peace, and contains therefore a number of articles which answer the merely temporary purpose of putting an end to a state of war. The Treaty of Berlin is primarily a political settlement, supervening upon a peace, the terms of which had been previously agreed upon, as between the belligerents, by the treaty of San Stefano. Again, in 1856, Turkey and her allies were victorious, and the object of the arrangement was the maintenance of the Ottoman Empire, which was to be left to perform its promises of well-doing without external interference. In 1878 Turkey was crushed, her best friends were ready to consent to her dismemberment on a large scale; there was no more confidence in her reformation from within, and we no more hear of guarantees of her integrity and independence. The Treaty of Berlin was indeed intended to be a re-assertion of the guiding principle of the Treaties of Paris and of London, i.e. of the claim of the Powers collectively, as against Russia individually, to take cognizance of the Eastern question. But it was also intended to be a revision of those Treaties.

Differences between the two Treaties.

Double purpose of the Treaty of Berlin.

1. At the opening of the Berlin Congress, Prince Bismark explained that the stipulations of the Treaty of San Stefano were in several points of a nature to modify 'the state of things as fixed by former European Conventions,' and that the Plenipotentiaries were assembled for the purpose of submitting that Treaty 'to the free discussion of the Cabinets,

The Treaty of Berlin as a re-assertion of the authority of the Powers.

signatories of the Treaties of 1856 and 1871.' At a later stage, Count Schouvaloff admitted that the Treaty of San Stefano was 'a preliminary convention, having obligatory force only upon the two contracting parties, by which Russia intended to let the Turkish Government know beforehand the demands she would formulate later before Europe[1].' The Treaty of Berlin was accordingly so drawn as to supersede those parts of the Treaty of San Stefano which were held to be of European concern, viz. the articles which relate to Montenegro (1, 2), to Servia (3, 4), to Roumania (5), to Bulgaria (6-11), to the Danube (12), to Bosnia and Herzegovina (14), to Crete (15), to Armenia (16), to the Persian boundary (18), and to the Russian protectorate (22)[2].

The Treaty of Berlin as a revision of those of Paris and London.

2. But a still more important object of the Congress of Berlin was to revise the Treaties of Paris and London. A leading idea of those Treaties had been the preservation of the independence and territorial integrity of the Ottoman Empire, and of its sovereign rights over the vassal principalities. All this was now to be changed. The Porte was to be virtually reduced to tutelage, and its suzerainty over the Principalities was to be finally extinguished. Such portions, however, of the earlier treaties as are not abrogated or modified by the later Treaty are expressly confirmed by it; and the unrepealed and permanent provisions of the three Treaties, taken together, contain the now binding decision of the great Powers as to the settlement of Eastern Europe.

The Treaty of Paris.

The portions of the Treaty of Paris which are still in force

[1] Parl. Papers, 1878, Turkey, No. 39, pp. 12, 137, 242.

[2] The provisions of the Treaty of San Stefano which were not wholly abrogated by the Treaty of Berlin, and thus continued to be in force between the parties to the former Treaty (12 out of a total of 29) relate to:—obstructions at the Sulina mouth of the Danube (Art. 13), amnesty (17, 27), the indemnity (19), law-suits in Turkey (20), the inhabitants of districts ceded to Russia (21), the renewal of treaties (23), the Straits (24), evacuation in Asia (25, 26), prisoners (28), ratification (29). The outstanding questions between Russia and Turkey, chiefly financial, were settled in the final Treaty of Peace, signed 8th February, 1879, and by the Convention of 14th May, 1882. See Appendix, No. II.

relate to the admission of the Porte to the European concert (Art. 7), to a resort to mediation before a war between the Porte and any one or more of the other signatories of the Treaty (8), and to the navigation of the Straits (10), of the Black Sea (12), and of the Danube (15–19). Even if the article as to treaties of commerce is still to some extent operative, only ten of the thirty-four articles of the Treaty are now even partially in force[1].

The Treaty of London.

Of the nine articles of the Treaty of London of 1871, those practically operative relate to—the navigation of the Straits (Art. 2), of the Black Sea (3), and of the Danube (4–7).

The Treaty of Berlin.

It will be observed that the surviving portions of these older Treaties relate, almost exclusively, to subsidiary questions of commerce and navigation. The greater questions—of the rise of new nationalities, the redistribution of territory, and the narrowing of the Ottoman jurisdiction, have been newly, and in most cases for the first time, provided for by the Treaty of Berlin.

Temporary provisions.

Certain of the provisions of this Treaty are, on the face of them, of a merely temporary character. Such are the articles relating to ratification (64), to the evacuation of certain portions of European Turkey (11, 22, 32), to the *interim* administration of Bulgaria and Eastern Roumelia (6, 7).

Permanent provisions.

The articles of the Treaty which, as contrasted with those just mentioned, may be called 'permanent,' although many even of these are provisional, in the sense of relating to successive stages in very complicated changes[2], have reference to—the recognition as independent, with accessions of territory, of the three principalities over which the Porte had hitherto claimed suzerainty, and the subtraction of new inchoate states from the direct government of the Porte (Arts. 1–5, 8–21, 26–31, 33–40, 42–44, 46–51); the administration by Austria of Bosnia and Herzegovina (Art. 25); the advance of the Russian

[1] Art. 33, with reference to the Aland islands, is in force, but has of course no reference to the Eastern question.

[2] Leaving also out of account Art. 63, as being only a confirmation of the treaties of 1856 and 1871.

frontier in Europe and in Asia (Arts. 45, 58–60); the recommendation of concessions to Greece (Art. 24); the navigation of the Danube (Arts. 52–57); specific engagements of the Porte as to Provincial Government in Europe (Art. 23); engagements of the Porte for the benefit of the Armenians (Art. 61); and general engagements of the Porte as to religious toleration (Art. 62).

The topics regulated by the three Treaties.

The topics now regulated by the Treaties of Paris, of London, and of Berlin, with its Supplementary Conventions, may therefore be classified under seventeen heads, viz.:

I. The admission of the Porte to the concert of Europe (Paris, Art. 7).

II. The agreement as to a resort to mediation (Paris, 8).

III. Religious equality in Turkey (Paris, 9; Berlin, 62).

IV. The Navigation of the Straits (Paris, 10; London, 2).

V. The Navigation of the Black Sea (Paris, 12; London, 3).

VI. The Navigation of the Danube (Paris, 15–19; London, 1871, 4–7; Berlin, 52–57; London, 1883).

VII. Roumania (Berlin, 43–51).

VIII. Servia (Berlin, 34–40, 42).

IX. Montenegro (Berlin, 26–31, 33).

X. Bulgaria (Berlin, 1–12).

XI. Eastern Roumelia (Berlin, 13–21).

XII. Bosnia and Herzegovina (Berlin, 25).

XIII. Other European provinces (Berlin, 23).

XIV. The Armenian provinces (Berlin, 61).

XV. Cessions to Greece (Berlin, 24; Convention of 1881).

XVI. The Russian boundaries (Berlin, 45, 58–60).

XVII. The Persian boundary (Berlin, 60).

Topics I, II, III.

Of these topics, I, II, and III need little more explanation than can conveniently be given in the shape of notes to the relative articles of the Treaties. Of some of the others it may be useful to give in this place a more connected, though still summary, account.

The Straits.

IV. THE NAVIGATION OF THE BOSPHORUS AND DARDANELLES.—By the Treaty of the Dardanelles, of 5th January, 1809,

between Great Britain and the Porte, it is recited, that ships of war have at all times been prohibited from entering the channel of Constantinople, viz. the Straits of the Dardanelles and of the Black Sea, and that this 'ancient regulation of the Ottoman Empire' ought in future to be observed towards every Power in time of peace, and Great Britain promises 'on its part to conform to this principle.'

The ancient rule.

An exception to the ancient rule was made in favour of Russia, by the Treaty of Unkiar-Skelessi, in 1883; and the presence of the fleets of the Powers in the Straits was contemplated in the Treaty of 15th July, 1840, which, however, states (Art. 4) that this co-operation shall be considered only as a measure of exception, adopted at the express demand of the Sultan, and shall not derogate in any degree from the ancient rule of the Ottoman Empire, which the Sultan engages to maintain, and the four Powers to respect. By a Protocol of even date the Porte reserves to itself the right to deliver passes to light vessels for the service of the correspondence of the Legations[1].

Treaty of Unkiar-Skelessi.

Treaty of London, 1840.

The four Powers, by a Protocol dated 10th July, in the following year[2], and the same Powers, with the addition of France, by a Treaty signed on the 13th of the same month, engage to respect the ancient rule; the Sultan by the Treaty also engaging to uphold the rule, while reserving to himself to allow the passage of light vessels in the service of the Missions[3].

Protocol of 1841.

The Treaty of 1841.

This Treaty was superseded by Art. 10 of the Treaty of Paris of 1856, and the annexed Convention[4], which is to have the same validity as if it formed an integral part of the principal Treaty. This Convention is still in force, having been confirmed by Art. 2 of the Treaty of London, of 1871, which, however, allows the Sultan to open the Straits in case of

The Convention annexed to the Treaty of 1856.

Confirmed by the Treaty of 1871.

[1] See Art. 4 of the Treaty, supra, p. 92, and the Protocol, supra, p. 95.

[2] See the Protocol, supra, p. 99.

[3] See the Treaty, supra, p. 100.

[4] See the Treaty, and annexed Convention, infra, Texts, No. 1.

necessity in order to secure the execution of the stipulations of the Treaty of Paris[1].

The Congress of Berlin.

The Treaty of Berlin is silent on the subject of the Straits; but the topic was mentioned at the sittings of the Congress, and Lord Salisbury took occasion to procure the insertion in its 18th Protocol of the following declaration:—

> Considering that the Treaty of Berlin will modify an important part of the arrangements sanctioned by the Treaty of Paris of 1856, and that the interpretation of Art. 2 of the Treaty of London, which is dependent on the Treaty of Paris, may thus become a matter of dispute;
>
> I declare, on behalf of England, that the obligations of Her Britannic Majesty relating to the closing of the Straits, do not go further than an engagement with the Sultan to respect in this matter His Majesty's independent determinations in conformity with the spirit of existing Treaties.

At the following sitting, Count Schouvaloff demanded the insertion in the Protocol of the following counter-declaration:—

> The Plenipotentiaries of Russia, without being able exactly to appreciate the meaning of the proposition of the second Plenipotentiary of Great Britain, respecting the closing of the Straits, restrict themselves to demanding, on their part, the insertion in the Protocol of the observation: that, in their opinion, the principle of the closing of the Straits is an European principle, and that the stipulations concluded in this respect in 1841, 1856, and 1871, confirmed at present by the Treaty of Berlin, are binding on the part of all the Powers, in accordance with the spirit and letter of the existing Treaties, not only as regards the Sultan, but also as regards all the Powers signatory to these transactions[2].

Black Sea.

V. THE BLACK SEA.—By Article 11 of the Treaty of Paris, the Black Sea is declared open to the mercantile marine of every nation; and, by Article 12, commerce is to be 'free from any impediment' in its ports and waters. The former article

Freedom of Commerce.

was abrogated by Article 1 of the Treaty of London of 1871, but the latter remains in force, and is supplemented by Article 3 of that Treaty, which declares that 'the Black Sea remains open as heretofore to the mercantile marine of all nations.'

Neutralisation.

The so-called 'neutralisation' of the Black Sea, effected

[1] See the Treaty, infra, Texts, No. V.

[2] Parl. Papers, 1878, Turkey, No. 29, pp. 270, 277.

by Articles 11, 13, and 14 of the Treaty of Paris, and by the annexed Convention between the Emperor of Russia and the Sultan, after being repudiated by Russia in 1870[1], was rescinded by Article 1 of the Treaty of London, which expressly abrogates Articles 11, 13, and 14 of the Treaty of Paris, together with the annexed Convention, and by a special Convention between the Emperor of Russia and the Sultan, of even date with the Treaty of London, and afterwards communicated to the representatives of the other Powers[2].

Danube.

VI. THE NAVIGATION OF THE DANUBE.—In order to understand the principles applicable to the navigation of this river it is necessary to go back to the events of 1814-15. In the former of those years the Treaty of Paris proclaimed that[3]:—

Congress of Paris.

Art. 5. The navigation of the Rhine, from the point at which it becomes navigable down to the sea, and *vice versa*, shall be free, so as not to be prohibited to any one, and the coming Congress shall occupy itself with the principles in accordance with which the duties to be levied by the riverain states may be regulated in the manner the most equal and most favourable to the commerce of all nations. The coming Congress shall also consider and determine in what mode, in order to facilitate communications between the peoples, and to render them ever less strangers one to another, the preceding provision can be extended equally to all the other rivers which in their navigable course separate or traverse several states.

Congress of Vienna.

The Congress of Vienna accordingly, in its Final Act, devotes to this subject the following articles[4]:—

Art. 108. The Powers whose States are separated or traversed by the same navigable river, engage to regulate, by common consent, all that regards its navigation. For this purpose they will name Commissioners, who shall assemble, at latest, within six months after the termination of the Congress, and who shall adopt, as the bases of their proceedings, the principles established by the following articles:—

Art. 109. The navigation of the rivers, referred to in the preceding article, along their whole course, from the point where each of them becomes navigable to its mouth, shall

[1] In a circular despatch of 31st October, 1870, N. R. G. xviii, 269.
[2] Texts, No. V.
[3] N. R. ii, 6.
[4] N. R. ii, 427.

be entirely free, and may not, in respect to commerce, be prohibited to any one; it being understood that the regulations established with regard to the police of this navigation shall be respected, as they will be formed alike for all, and as favourable as possible to the commerce of all nations.

Art. 110. The system that shall be established both for the collection of the duties and for the maintenance of the police, shall be, as nearly as possible, the same along the whole course of the river, and shall also extend, unless particular circumstances prevent it, to those of its branches and confluents, which, in their navigable course, separate or traverse different states.

Art. 111. The duties on navigation shall be regulated in an uniform and settled manner, and with as little reference as possible to the different quality of the merchandise, in order that a minute examination of the cargo may be rendered unnecessary, except with a view to prevent fraud and evasion. The amount of these duties, which may in no case exceed those now paid, shall be determined by local circumstances, which scarcely allow of a general rule in this respect. The tariff shall, however, be prepared in such a manner, as to encourage commerce by facilitating navigation; for which purpose the duties established upon the Rhine may serve as an approximate model for its construction. The tariff once settled, no increase shall take place therein, except by the common action of the riverain States; nor shall the navigation be burdened with any other duties than those fixed in the Regulation.

Art. 112. The offices for the collection of duties, the number of which shall be reduced as much as possible, shall be determined upon in the above Regulation, and no change shall afterwards be made but by common consent, unless any one of the riverain States should wish to diminish the number of those which exclusively belong to the same.

Art. 113. Each riverain State shall be at the expense of keeping in good repair the towing paths which pass through its territory, and of maintaining the necessary works through the same extent in the channels of the river, in order that no obstacle may be experienced to the navigation. The intended Regulation shall determine the manner in which the riverain States are to participate in these latter works, when the opposite banks belong to different Governments.

Art. 114. There shall nowhere be established store-house, port, or forced harbour duties (*Droits d'étape, d'échelle et de relâche forcée*). Those already existing shall be preserved for

such time only as the riverain States (without regard to the local interest of the place or the country where they are established) shall find them necessary or useful to navigation and commerce in general.

Art. 115. The Custom-Houses belonging to the riverain States shall not interfere with the duties on navigation. Regulations shall be established to prevent officers of the Customs, in the exercise of their functions, throwing obstacles in the way of the navigation; but care shall be taken, by means of a strict police on the bank, to preclude every attempt of the inhabitants to smuggle goods through the medium of boatmen.

Art. 116. Everything expressed in the preceding articles shall be settled by a general Regulation, in which there shall also be comprised whatever may need an ulterior determination. The Regulation, once settled, shall not be changed without the consent of all the riverain States, and they shall take care to provide for its execution with due regard to circumstances and locality.

The principles which were thus applied to the chief rivers of Western Europe produced but little effect upon the Danube. Its navigation previously to the Treaty of Paris was governed by a Treaty of 25th July, 1840, between Austria and Russia[1], which since 1829 had been in possession of all the Danube mouths, and by a Treaty of 2nd December, 1851, between Austria and Bavaria[2], to which Würtemberg had acceded on 5th June, 1855[3]. Both Treaties professed to apply the principles of Vienna. At the Vienna Conferences of 1855, Austria proposed to entrust the regulation of the river to a 'European syndicate,' and to neutralise the islands of the Delta[4].

The subject was also considered at the Congress of Paris in 1856[5]. The Treaty of Paris (Arts. 15–19) confides all the mouths of the Danube to the Porte instead of Russia, and provides that the principles established by the Congress of Vienna shall be equally applied to this river. The Treaty of Paris.

In accordance with those principles a permanent superin- The Riverain Commission.

[1] N. R. G. i, 208; F. de Martens, Recueil de Traités conclus par la Russie, iv, 1 P., p. 475.

[2] N. R. G. xvi, 2 P., 63.

[3] N. R. G. ib. 71.

[4] Prot. (4), N. R. G. xv, 647.

[5] Prot. (5), N. R. G. ib. 712.

tending Commission of Riverain Powers was to be constituted, of delegates of Austria, Bavaria, the Porte, and Würtemberg, together with Commissioners from the three Riverain Principalities, Servia, Wallachia, and Moldavia. A temporary international Commission, composed of delegates of Austria, France, Great Britain, Prussia, Russia, and Sardinia, was to cause the execution of certain necessary works below Isaktcha. The subsequent history of these two Commissions is curious. The Riverain Commission, which was intended permanently to regulate the course of the river in pursuance of the Treaty of Vienna, after a few years of unsuccessful activity, fell into abeyance and has been dissolved. The novel experiment of an international Commission has, on the other hand, done good work. Instead of coming to an end in two years, its powers have been prolonged from time to time, and are likely to be prolonged indefinitely, while its jurisdiction has been extended far above the point at which it originally terminated.

The European Commission.

Failure of the former,

and success of the latter.

The Conference of the Powers which was held at Paris, from 22nd May to 19th August, 1858, with reference to the affairs of Wallachia and Moldavia, had under its consideration a Navigation Act signed at Vienna on 7th November, 1857, by the Riverain Commission[1], but declined to sanction it, as being drawn too exclusively in the interests of the commerce of the Riverain States[2]. The Act, amended in accordance with the views of the Conference[3], was again submitted to the Powers in 1859, but no notice having been taken of it, the Riverain Commission practically ceased to exist[4].

The Paris Conference of 1858:

rejects the Act of the Riverain Commission,

On the other hand, the same Conference prolonged the powers of the European Commission till it should have completed the works with which it was charged[5].

but prolongs the powers of the European Commission.

The Conference which sat at Paris from 10th March to 4th June, 1866, with reference to the United Principalities, ex-

[1] Parl. Papers, 1878, Turkey, No. 29; N. R. G. xvi, 2 P., 75.

[2] Ib. 42. [3] Parl. Papers, 1878, Turkey, No. 29, p. 20.

[4] The revival of the Riverain Commission, contemplated by Art. 5 of the Treaty of London of 1871, has never taken place.

[5] N. R. G. xvi, 2 P., 50.

tended the powers of the European Commission for five years from 24th April of that year [1], and also sanctioned the Public Act relating to the navigation of the mouths of the Danube, which had been signed by that Commission at Galatz on 2nd November, 1865, amending and consolidating the Acts previously issued by it [2].

In 1868 the Commissioners contracted a loan, to be paid off before 1st January, 1884, which was guaranteed by all the Powers except Russia, by a Convention signed at Galatz on 30th April of that year [3].

By the Treaty of London of 1871 [4], Articles 4–7, the powers of the Commission were prolonged to 24th April, 1883, and the neutral character claimed for its establishments and works, by the Navigation Act of 1865, and allowed by the Conference of 1866, was solemnly confirmed. The Treaty of London.

The Treaty of Berlin [5], Articles 52–57, ordered the Danube fortresses to be razed [6], added a representative of Roumania to the European Commission, and extended its powers to Galatz. It also authorized the Commission, with the assistance of Delegates of the Riverain States, to frame regulations for the river above Galatz, as far as the Iron Gates. The Treaty of Berlin.

The European Commission lost no time in acting under the powers given to it by the Treaty. The action of the Commission as to the lower Danube,

I. With reference to the lower river, it amended the Navigation Act of 1865 by an 'Additional Act,' signed on 28th

[1] Prot. (3), Parl. Papers, 1867, United Principalities, p. 20; N. R. G. xviii, p. 178.

[2] See the Act in Parl. Papers, 1878, Turkey, No. 29, p. 22; N. R. G. xviii, 144; infra, Texts, No. IV. As modified by the 'Acte Additionel' of 1881 (Texts, No. VII) it is still in force. The règlements annexed to the Act have been modified, in 1870 (N. R. G. xx, 401) and 1875 (N. R. G., 2me Série, vi, 573). Jurisdiction for the purposes of the Act was conferred upon British Consuls by an Order in Council, under the Foreign Jurisdiction Acts, of 9th April, 1866.

[3] Parl. Papers, 1868; N. R. G. xviii, 156. The Stat. 31 and 32 Vict. c. 126 authorizes Her Majesty to carry out this Convention.

[4] Texts, No. V.

[5] Texts, No. VI.

[6] The Congress (Prot. 11) had rejected the proposal of Austria that the whole river below the Iron Gates should be 'neutralised.'

May, 1881, which adjusts the old regulations to the changed circumstances produced by the admission of Russia and Roumania as Riverain States, claims for the Commission the sole control over its *employés*, adopts a flag, and establishes an international sanitary council at Bucharest [1].

as to the middle Danube.

II. With reference to the middle river, an *avant-projet*, drawn by a sub-committee of representatives of Austria, France, and Italy, was considered by the Commission, assisted by Delegates of Servia and Bulgaria, in the spring of 1881. It suggested the appointment of a mixed Commission, for the superintendence of this portion of the river, to consist of representatives of Austria, Bulgaria, Roumania, and Servia, the Austrian representative to be perpetual president, with a casting vote. The Riverain Powers strongly objected to the preponderant control which would thus be given to Austria over a part of the river which is not touched by her territory, but all of them except Roumania agreed, on 2nd June, 1882, to a compromise which had been suggested by M. de Barrère, the French delegate, in the preceding autumn, to the effect that the constitution of the mixed Commission, as previously proposed, should be modified by adding to it one of the members of the European Commission, to be selected by alphabetical rotation every six months. The objections urged by Roumania to this scheme were directed mainly against the exceptional position given by it to Austria, and to its interference with her own alleged exclusive rights, as a Riverain State, to executive authority over so much of the river as flows through, or bounds, her territory. Austria, on the other hand, gave notice that her consent to the prolongation of the powers of the Commission, after 24th April, 1883, would depend upon its decisions as to the mixed Commission; and Russia gave a similar notice with reference to certain concessions being made to her with respect to the Kilia branch.

The *Avant-projet*.

The Barrère compromise.

The objections of Roumania.

[1] Parl. Papers, 1882, Danube, No. 1; N. R. G. 2me Série, viii, 207 (Texts, No. VII). The ratifications of this Act by the Powers were deposited in the archives of the Commission at Galatz on 20th May, 1882.

There was no time to be lost if the Commission was to continue in existence, and a Conference accordingly met at London on 8th February, 1883. It consisted of representatives of the signatories of the Treaty of Berlin, and declined to receive representatives of Roumania and Servia, except with a merely consultative voice. The Servian delegate remained upon these terms, but the delegate of Roumania withdrew altogether, as did the delegate of Bulgaria, who would have been allowed to be merely present, without any voice in the deliberations. The Conference of 1883.

The Treaty[1], which was signed on 10th March, prolongs the duration of the Commission to 24th April, 1904, for certain, and extends its direct authority as far as Ibraila, i.e. to the point beyond which sea-going vessels cannot ascend the river. It makes large concessions to Russia, with reference to the Kilia mouth, and adopts the Barrère *règlement*, modified by certain concessions to the objections of the Riverain States. Thus it is arranged that neither Austria nor Roumania is to be represented on the mixed Commission by their delegates on the European Commission, and the sub-inspectors are to be appointed in accordance with the wishes of Roumania. The Treaty of London, 1883. Concessions to Russia; to Roumania.

A period of six months was assigned for the exchange of the ratifications of the Treaty, within which time it was hoped that the adhesion of all the Riverain Powers would be received. The ratification of all the signatory Powers, except the Porte (whose ratification arrived on 8th October), were exchanged in London on 24th April, 1884, the very day on which the mandate of the European Commission would have expired. Roumania still remains obstinate in refusing to accept the decision of the Powers.

VII. ROUMANIA.—Wallachia in 1396, and Moldavia in 1511, submitted to the Porte, under capitulations as to the precise nature of which there is some doubt, but which, according to Roumanian historians, secured to each Principality Roumania.

[1] Parl. Papers, 1883, Danube, Nō. 5; N. R. G. 2me Série, ix, 392; Texts, No. VIII.

the election of its own 'voyvode,' and much freedom of administration. At a later date the Porte superseded the elected 'voyvodes' by 'hospodars' appointed by itself. Russia, on the other hand, obtained by the Treaty of Kainardji in 1774, and by subsequent conventions, certain rights of interference on behalf of the two countries; and by the Peace of Bucharest, 1812, acquired the Moldavian province of Bessarabia, thus advancing its frontier to the Pruth and lower Danube. The occupation by Russia of the two principalities was the step which immediately produced the Crimean War, and much pains were taken in the Treaty of Paris to define their position as being 'under the suzerainty of the Porte and under the guarantee of the contracting Powers,' no one of which was to exercise any 'exclusive right of protection over them[1].' By the same Treaty, a portion of Bessarabia on the left bank of the Danube was restored to Moldavia[2]. In accordance with Article 24 of the Treaty, representative Divans were consulted, in September 1857, as to the definite organization of the Principalities. The nearly unanimous wish of both Divans for union under a single governor was considered by a Conference of the Powers, held at Paris from 22nd May to 19th August, 1858[3], which refused to sanction this proposal, but, by a Convention of the latter date, approved of a joint Commission at Fokshany, a joint High Court, and a joint Militia; the hospodars to be elected for life for 'the United Principalities of Wallachia and Moldavia[4].' The 'double election,' in January and February 1859, of Colonel Couza as hospodar[5] was the next step taken by the Principalities towards realising their union. The Porte appealed to the Powers; who however, at a Conference at Paris, on 6th September, decided to sanction the election[6], and in October the

The double election.

[1] Treaty of Paris, Art. 22.
[2] Ib. Arts. 20, 21.
[3] N.R.G. xv, 2 P. 14.
[4] Convention of 19th August, 1858, Parl. Papers, 1859; N.R.G. xv, 2 P., 50.
[5] By Moldavia 17th January, and by Wallachia 5th February, 1859.
[6] N. R. G. xvii, 2 P., 82.

Sultan sent to Colonel Couza a firman of investiture in the two hospodarships [1].

In 1861 the Powers and the Porte, by a firman of 2nd December, recognised the union of the two Principalities for the life of Prince Couza, allowing, for the same period, a common Ministry and a common Assembly, and suspending the meetings of the Central Commission at Fokshany [2].

On 28th June, 1864, the Porte submitted to a Conference of representatives of the Powers at Constantinople an 'Additional Act' to the Convention of 19th August, 1858, with an 'Annexe.' The two documents, making large changes in the constitutional law of the United Principalities, and acknowledging the right of the Principalities themselves to make similar changes hereafter without the assent of the Powers, were approved by the representatives of all the Powers, with certain reservations [3].

In February, 1866, Prince Couza was obliged to abdicate, and the Count of Flanders declining the hospodarship, Prince Charles of Hohenzollern-Sigmaringen was elected in April by a *plébiscite* to the post [4].

An hereditary Prince.

A Conference of the Powers sat at Paris from 10th March to 4th June [5], without being able to agree upon a course of action, and on 23rd October Prince Charles received from the Sultan at Constantinople investiture as hereditary Prince of the United Provinces [6], which henceforth affected to describe themselves as 'Roumania,' a name which did not, however, receive diplomatic recognition.

[1] Parl. Papers, 1867, United Principalities, p. 84.

[2] See Firman of 6th December, 1861, Parl. Papers, 1867, United Principalities, p. 85; N. R. G. xvii, 2 P., 87-91. The Guaranteeing Powers, in acknowledging the receipt of copies of this firman, plainly intimate their opinion that the concessions made by it could not afterwards be retracted. Ibid.

[3] Parl. Papers, 1867, u. s. p. 93; N. R. G. xviii, 161.

[4] He was naturalised by the Assembly by way of compliance with Art. 13 of the Convention of 19th August, 1858, which requires that the hospodar should be a native.

[5] Parl. Papers, 1867, u. s. pp. 1-82; N. R. G. xviii, 166-221.

[6] See the Firman in Parl. Papers, 1867, United Principalities, p. 79; N. R. G. xviii, 221.

On 16th April, 1877, Roumania concluded a Convention with Russia granting passage to the armies of the latter for the invasion of Turkey[1]. On May 22nd the Assembly proclaimed the independence of the Principality[2], which was recognised by the Treaty of San Stefano[3], and finally, though upon conditions, by the Treaty of Berlin[4]. On March 26th, 1881, Roumania, without objection on the part of any of the Powers, assumed the style of a kingdom.

Independence.

A kingdom.

Servia.

VIII. SERVIA.—After several blows had been struck by the Turks at the power of Servia, which was ruled by a 'despotes' of its own, it was finally conquered by Mohammed II, after his capture of Constantinople; but Belgrade was not taken from the Hungarians till 1522, by Soleiman the Great. Thenceforth Servia was a Turkish province, with occasional interludes of Austrian occupation (1717–1739, 1788–1791). Its partial independence dates from the insurrection under Kara George in 1804. The liberator was expelled in 1813; after which date the struggle was intermittently carried on by Milosch Obrenovitch till 1829, when the administrative independence of Servia, which had been promised in the Treaty of Ackerman, was finally secured to it by Russia in the Treaty of Adrianople. A firman of 15th August, 1830, made the princely dignity hereditary in the family of Milosch.

By the Treaty of Paris, Servia was left under the suzerainty of the Porte, but its immunities were placed under the collective guarantee of the Powers, whose consent was made necessary to any armed intervention in the country[5].

In 1862 disturbances took place, and Belgrade was bombarded by the Turks. Further conflict was prevented by a Conference of the Powers, which sat at Constantinople from 23rd July, and on 4th September signed a protocol which thenceforth restricted the Turkish garrisons to Belgrade and four other fortresses[6]. On 10th April, 1867, it was

Turkish troops withdrawn.

[1] Parl. Papers, 1877, Turkey, 25, p. 181. [2] Ib. p. 298.
[3] Art. 5. [4] Arts. 43–47.
[5] Arts. 28, 29. [6] Parl. Papers, 1862; N. R. G. xvii, 2 P., 109.

arranged that the Turkish troops should be altogether withdrawn[1].

Servia declared war against the Porte on 20th June, 1876, but was obliged to sue for peace on 28th February, 1877. She declared war again on 14th December of the same year, and was rewarded by a stipulation in the Treaty of San Stefano that the Porte should recognise her independence[2]. The Principality was recognised as independent, on certain conditions, by the Treaty of Berlin[3]. A proclamation was issued to this effect on 21st August, 1878, and on 6th March, 1882, Servia assumed the rank of a kingdom. Independence. A kingdom.

IX. MONTENEGRO. — The 'Black Mountain,' originally a dependency of Servia, after the fall of that State, maintained a long and generally successful struggle against the Ottoman power. It was not till 1623 that Turkish troops penetrated to Cetinge. The government was in the hands of the Bishop, who was styled 'Vladika,' from 1516 to 1852, when Danilo I broke through the family tradition by becoming a lay Prince, 'Knas.' In 1706 the Montenegrins placed themselves under the protection of Russia, but by the Treaty of Sistova, 1791, Austria acknowledged the Porte as their 'proper sovereign.' This claim was repeated by the Porte at the Conference of Paris in 1856, and protested against by Prince Danilo[4]. Montenegro.

In November, 1858, with a view to putting an end to the perpetual hostilities between the Principality and the Turks, a Conference of the representatives of Great Britain, Austria, France, Prussia, Russia, and the Porte was held at Constantinople, and traced anew the boundaries of the Principality[5], leaving details to be settled on the spot by a Commission of Engineers, which reported upon the result of their labours two years later[6].

[1] N. R. G. xviii, 115. [2] Art. 2. [3] Arts. 34, 35.
[4] N. R. G. xv, pp. 736, 738.
[5] Procès-verbal of 8th November, 1858. Hertslet, Map of Europe by Treaty, p. 1353.
[6] Protocol of 17th April, 1860.

In 1862 the Turks invaded Montenegro and dictated terms of peace at Scutari, reserving to themselves the right to make a military road through the country and to protect it by block-houses[1].

Montenegro declared war against Turkey on 2nd July, 1876. Its independence was recognised by the Porte in the Treaty of San Stefano[2]. At the Congress of Berlin it appeared that, formally or informally, all the Powers except England and Turkey had at that date recognised the independence of the Principality[3]; and the Treaty declares that, subject to certain conditions, 'the independence of Montenegro is recognised by the Sublime Porte and by all those of the High Contracting Parties who had not hitherto admitted it[4].'

Independence recognised.

Bulgaria.

X, XI. BULGARIA AND EASTERN ROUMELIA.—The Bulgarian kingdom became a Turkish province after the battle of Kossovo, 1389, and many of its great families adopted Mohammedanism in order to preserve their estates. The 'atrocities' of which this province was the scene in May, 1876, had much influence upon the policy of the Powers during the events which resulted in the Treaty of San Stefano. The 'great Bulgaria' created by that Treaty[5], stretching from the Danube to the Ægæan, was severed by the Treaty of Berlin into three portions, of which, that north of the Balkans became the autonomous tributary province of 'Bulgaria[6];' that immediately south of that range became the Province of 'Eastern Roumelia,' under the direct political and military authority of the Sultan, though with 'administrative autonomy[7];' while the most southerly portion was unreservedly restored to Turkey.

Eastern Roumelia.

General character of provisions as to the Principalities.

Even omitting provisions of a purely temporary character, no less than forty-three of the sixty-four articles of the Treaty of Berlin are devoted to Roumania, Servia, Montenegro, Bulgaria, and Eastern Roumelia.

[1] 31st August, 1862, N. R. G. xvii, P. 2, p. 117. Cf. Protocols of 3rd May, 1864, ib. xviii, p. 110; and 26th October, 1866, ib. p. 112.

[2] Art. 2.

[3] Protoc. (10); Parl. Papers, 1878, Turkey, No. 39, p. 157. [4] Art. 26.

[5] Arts. 6-11. [6] Treaty of Berlin, Arts. 1-12. [7] Arts. 13-22.

These articles may be classified, as relating to—

Recognition.

i. The conditional recognition of the three old Principalities as fully independent (Arts. 26, 27; 34, 35; 43, 44, 45).

Constitution.

ii. The constitutional organization of the new Tributary Principality and the autonomous Province (Arts. 3, 4, 7; 13, 17, 18).

Delimitation.

iii. The territorial delimitation of the four Principalities and the Province (Arts. 3, 4, 7, 18).

Common stipulations.

iv. Certain provisions with reference to the Principalities and the autonomous Province, which, though they exhibit some slight variations, are in the main matters of common form. These relate to twelve topics, viz.

Religious equality.

(1) Religious equality. This is stipulated for in the case of Bulgaria (5), as it is with reference to the Ottoman Empire generally (62). It is made a condition precedent to the recognition of Montenegro (27), Servia (34), and Roumania (44).

Treaties of the Porte.

(2) Treaties of commerce and navigation, made by the Porte, are to remain applicable to Bulgaria (8), and to Servia (37), till further arrangements are made. All Treaties made, or to be made, by the Porte are to apply to Eastern Roumelia as well as to the rest of the Empire. The Treaty relations of Roumania and Montenegro are passed over in silence.

Equality of foreigners in Bulgaria and Roumania.

(3) With reference only to Bulgaria (8) and Roumania (44), it is provided that the subjects and citizens of all the Powers shall be treated on a footing of strict equality within those Principalities.

Transit dues.

(4) With reference to Bulgaria (8), Servia (37), and Roumania (48), it is declared that no transit dues are to be levied on goods passing through these countries.

Consular jurisdiction.

(5) Consular jurisdiction and the privileges of foreigners are maintained, till modified by consent, in Bulgaria (8), Eastern Roumelia (20), Servia (37), and Roumania (49); but it is expressly stated that 'Roumania shall have power to make conventions to determine the privileges and attributes of consuls in regard to protection within the Principality.' Nothing is said as to consuls in Montenegro.

Railway contracts. (6) Bulgaria (10), Servia (58), and Roumania (51) take the place of the Porte in railway undertakings affecting those countries respectively; but in Eastern Roumelia the rights and obligations of the Porte continue (21). As to Montenegro, see Art. 29.

Estates of Mussulmans. (7) Special provision is made for the rights of Mussulman landed proprietors in Bulgaria (12) and in the territory ceded to Montenegro (30), and to Servia (39).

Property of Porte and Vakoufs. (8) Provision is also made as to property belonging to the State and to religious foundations (Vakoufs) in Bulgaria (12), Montenegro (30), and Servia (39).

Subjects of the Principalities. (9) The relation of Bulgarians (12), Montenegrins (31), Servians (40), and Roumanians (50), when within the Ottoman dominions, to Ottoman law, are specially regulated.

An Agent of Montenegro. (10) It is provided that Montenegro may have agents at Constantinople and elsewhere in the Ottoman Empire (31).

Ottoman debt. (11) Provision is made as to the share of the Ottoman debt to be borne by Bulgaria (9), and, in respect of the territory newly annexed to them, by Montenegro (33) and Servia (42).

Bulgarian tribute. (12) Lastly, provision is made for the payment of tribute by Bulgaria (9).

Detailed information upon these points will be found in the notes to the relative articles of the Treaty.

Bosnia and Herzegovina. XII. BOSNIA AND HERZEGOVINA.—The Bosnians were tributary to Hungary or Servia, till in 1376 they proclaimed a king of their own; after whose defeat at the battle of Kossovo, in 1389, Bosnia became a vassal of Turkey, and was incorporated with it in 1463. It became one of the eight European 'eyalets,' in which the Herzegovina is a 'sandjak.' The adoption of Mohammedanism by the feudal nobles led to an estrangement between them and the mainly Christian peasantry. It was in the Herzegovina that the disturbances first began in 1875 which resulted in the Russo-Turkish war. By the Treaty of San Stefano[1] the administration of Bosnia and Herzegovina was to be reformed in accordance with the scheme

[1] Art. 14.

which had been laid before the Conference of Constantinople in 1876[1], subject to modifications to be agreed upon by Turkey, Russia, and Austria. The Treaty of Berlin provided a more drastic remedy for the grievances of these provinces, by arranging that they should be 'occupied and administered' by Austria[2]. One incidental result of this arrangement was to put an end to the controversy, long carried on between the Porte and Austria, as to the right of the former to communicate freely from the sea with the Herzegovina, through the two enclaves of that province, Klek and Sutorina, which jut out into Dalmatia[3].

For the subsequent history of these districts, see the note to Article 25 of the Treaty of Berlin.

The remaining topics, XIII–XVII, are probably explained in sufficient detail in the notes to the relative articles of the Treaty of Berlin, together with, in the case of XV, the notes to the Convention of 1881[4]. Topics XIII–XVII.

TEXTS.

No. I.

General Treaty between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of Russia, the 1856, 30th March.

[1] See Parl. Papers, 1877, Turkey, No. 2, p. 160. [2] Art. 25.

[3] These two enclaves belonged to the Porte from 1597 to 1797, and in 1815 were restored to it by Austria, which however objected, especially in 1852 and 1876, to Ottoman troops being sent through them into the Herzegovina, declaring that the coast water on which they abut is Austrian. See the Treaty of Paris of 30th May, 1814; the Treaty of Vienna, of 9th June, 1815, Art. 93; and, for the correspondence in 1853, N. R. G. xv, 471; in 1876, Parl. Papers, Turkey, No. 1, p. 38.

[4] Supra, p. 60.

King of Sardinia, and the Sultan, signed at Paris, March 30, 1856[1].

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In the Name of Almighty God.

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the Emperor of all the Russias, the King of Sardinia, and the Emperor of the Ottomans, animated by the desire of putting an end to the calamities of war, and wishing to prevent the return of the complications which occasioned it, resolve to come to an understanding with His Majesty the Emperor of Austria as to the bases on which peace might be re-established and consolidated, by securing, through effectual and reciprocal guarantees, the independence and integrity of the Ottoman Empire.

For this purpose Their said Majesties have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick Earl of Clarendon, &c., Her Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Henry Richard Charles Baron Cowley, &c., Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French;

His Majesty the Emperor of Austria, the Sieur Charles Ferdinand Count of Buol-Schauenstein, &c., His Minister of the House and of Foreign Affairs, President of the Conference of Ministers; and the Sieur Joseph Alexander Baron de Hübner, &c., His Envoy Extraordinary and Minister Plenipotentiary to the Court of France;

His Majesty the Emperor of the French, the Sieur Alexander Count Colonna Walewski, &c., His Minister and Secre-

[1] Parl. Papers, 1856; N. R. G. xv, 770.

tary of State for Foreign Affairs; and the Sieur Francis Adolphus Baron de Bourqueney, &c., His Envoy Extraordinary and Minister Plenipotentiary to His Imperial and Royal Apostolic Majesty;

His Majesty the Emperor of all the Russias, the Sieur Alexis Count Orloff, &c.; and the Sieur Philip, Baron de Brunnow, His Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary to the Germanic Confederation and to the Grand Duke of Hesse, &c.;

His Majesty the King of Sardinia, the Sieur Camille Benso Count of Cavour, &c., President of the Council of Ministers, and His Minister Secretary of State for the Finances; and the Sieur Salvator Marquis de Villa-Marina, &c., His Envoy Extraordinary and Minister Plenipotentiary to the Court of France;

And His Majesty the Emperor of the Ottomans, Mouhammed Emin Aali Pasha, Grand Vizier of the Ottoman Empire &c.; and Mehemmed Djemil Bey, &c., His Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French, accredited in the same character to His Majesty the King of Sardinia;

Which Plenipotentiaries assembled in Congress at Paris [1].

An understanding having been happily established between them, Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the Emperor of all the Russias, the King of Sardinia, and the Emperor of the Ottomans, considering that in the interest of Europe, His Majesty the King of Prussia, a signing Party to the Convention of the 13th of July, 1841 [2], should be invited to participate in the new arrangements to be adopted, and appreciating the value that the concurrence of His said Majesty would add to a work of general pacification, invited him to send Plenipotentiaries to the Congress.

In consequence, His Majesty the King of Prussia has named as His Plenipotentiaries, that is to say:

[1] For the Protocols of this Congress, which sat from 25th February to 16th March, 1856, see Parl. Papers, 1856; N. R. G. xv, 633.

[2] Supra, p. 100.

The Sieur Otho Theodore Baron de Manteuffel, President of His Council, and His Minister for Foreign Affairs, &c.; and the Sieur Maximilian Frederick Charles Francis Count of Hatzfeldt Wildenburg-Schoenstein, His actual Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary to the Court of France, &c.

The Plenipotentiaries, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

Peace.

Peace.

Art. I. From the day of the exchange of the ratifications of the present Treaty[1], there shall be peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, His Majesty the King of Sardinia, His Imperial Majesty the Sultan, on the one part, *and His Majesty the Emperor of all the Russias*[2], on the other part; as well as between their heirs and successors, their respective dominions and subjects, in perpetuity.

Temporary Provisions.

Evacuation.

Art. II. *Peace being happily re-established between their said Majesties, the territories conquered or occupied by their armies during the war shall be reciprocally evacuated.*

Special arrangements shall regulate the mode of the evacuation, which shall be as prompt as possible.

Kars.

Art. III. *His Majesty the Emperor of all the Russias engages to restore to His Majesty the Sultan the town and citadel of Kars*[3], *as well as the other parts of the Ottoman territory of which the Russian troops are in possession.*

Restoration of Russian territory.

Art. IV. *Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the King of Sardinia, and the Sultan, engage to restore to His Majesty the Emperor of all the Russias, the towns and ports of Sebastopol,*

[1] I. e. 27th April, 1856.

[2] Interrupted as between the Sultan and the Emperor of Russia by the war of 1877.

[3] Re-assigned to Russia by Art. 58 of the Treaty of Berlin.

Balaklava, Kamiesch, Eupatoria, Kertch, Jenikale, Kinburn, as well as all other territories occupied by the allied troops.

ART. V. *Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the Emperor of all the Russias, the King of Sardinia, and the Sultan, grant a full and entire amnesty to those of their subjects who may have been compromised by any participation whatsoever in the events of the war in favour of the cause of the enemy.* Amnesty.

It is expressly understood that such amnesty shall extend to the subjects of each of the belligerent parties who may have continued, during the war, to be employed in the service of one of the other belligerents.

ART. VI. *Prisoners of war shall be immediately given up on either side.* Prisoners.

THE PORTE AND THE POWERS, 7–9.

ART. VII. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, His Majesty the Emperor of the French, His Majesty the King of Prussia, His Majesty the Emperor of all the Russias, and His Majesty the King of Sardinia, declare the Sublime Porte admitted to participate in the advantages of the public law and system (concert) of Europe. *Their Majesties engage, each on his part, to respect the independence and the territorial integrity of the Ottoman Empire; guarantee in common the strict observance of that engagement*[1]; and will, in consequence, consider any act tending to its violation as a question of general interest. The European concert.

ART. VIII. If there should arise between the Sublime Porte and one or more of the other signing Powers, any misunderstanding which might endanger the maintenance of their relations, the Sublime Porte, and each of such Powers, before having recourse to the use of force, shall afford the other Contracting Parties the opportunity of preventing such an extremity by means of their mediation[2]. Mediation.

[1] So much, at least, of this Article must, since the events of 1877, be considered as obsolete.

[2] Under this Article the Porte on 24th April, 1877, appealed to the Powers to mediate between it and Russia. Parl. Papers, 1877, Turkey, No. 25,

The Hatti-Humayoun.

ART. IX. His Imperial Majesty the Sultan, having, in his constant solicitude for the welfare of his subjects, issued a Firman[1] which, while ameliorating their condition without distinction of religion or of race, records his generous intentions towards the Christian populations of his Empire, and wishing to give a further proof of his sentiments in that respect, has resolved to communicate to the Contracting Parties the said Firman emanating spontaneously from his sovereign will.

The Contracting Powers recognise the high value of this communication. It is clearly understood that it cannot, in any case, give to the said Powers the right to interfere, either collectively or separately, in the relations of His Majesty the Sultan with his subjects, nor in the internal administration of his Empire.

THE STRAITS.

The ancient rule.

ART. X. The Convention of the 13th of July, 1841, which maintains the ancient rule of the Ottoman Empire relative to the closing of the Straits of the Bosphorus and of the Dardanelles, has been revised by common consent[2].

The Act concluded for that purpose, and in conformity with that principle, between the High Contracting Parties, is and remains annexed to the present Treaty, and shall have the same force and validity as if it formed an integral part thereof[3].

pp. 87, 104. Cf. Prot. 23 of the Congress of Paris, to the following effect: 'The Plenipotentiaries do not hesitate to express, in the name of their government, the wish that States between which any serious misunderstanding may arise, should, before appealing to arms, have recourse, as far as circumstances might allow, to the good offices of a friendly Power. The Plenipotentiaries hope that the governments not represented at the Congress will unite in the sentiment which has inspired the wish recorded in the present Protocol.' Parl. Papers, 1856, Eastern Papers.

[1] I. e. the Hatti-Humayoun of 18th February, 1856; q. v. Appendix No. I.

[2] Q. v. supra, p. 100. The 'ancient rule' had been recognised by Great Britain in the Treaty of the Dardanelles, of 5th January, 1809; and by Austria, Great Britain, Prussia and Russia, in the Treaty of London of 15th July, 1840, and Protocol (1) of the same date, and in the Protocol of 13th July, 1841 (supra, pp. 92, 95, 99).

[3] The provisions of the annexed Act, q. v. infra, p. 255, were supplemented by Art. 2 of the Treaty of London (Texts, No. V), but were not affected by the Treaty of Berlin (Texts, No. VI).

THE BLACK SEA, 11–14[1].

ART. XI.[2] *The Black Sea is neutralized: its waters and its ports, thrown open to the mercantile marine of every nation, are formally and in perpetuity interdicted to the flag of war, either of the Powers possessing its coasts, or of any other Power, with the exceptions mentioned in Articles* XIV *and* XIX[3] *of the present Treaty.* Neutralization.

ART. XII. Free from any impediment, the commerce in the ports and waters of the Black Sea shall be subject only to regulations of health, customs, and police, framed in a spirit favourable to the development of commercial transactions[4]. Freedom of navigation.

In order to afford to the commercial and maritime interests of every nation the security which is desired, Russia and the Sublime Porte will admit Consuls into their ports situated upon the coast of the Black Sea, in conformity with the principles of international law.

ART. XIII. *The Black Sea being neutralised according to the terms of Article* XI, *the maintenance or establishment upon its coast of military-maritime arsenals becomes alike unnecessary and purposeless; in consequence, His Majesty the Emperor of all the Russias and His Imperial Majesty the Sultan engage not to establish or to maintain upon that coast any military-maritime arsenal.* Arsenals.

ART. XIV. *Their Majesties the Emperor of all the Russias and the Sultan having concluded a Convention for the purpose of settling the force and the number of light vessels, necessary for the service of their coasts, which they reserve to themselves to maintain in the Black Sea, that Convention is annexed to the present Treaty*[5], *and shall have the same force and validity as if it formed an integral part thereof. It cannot be either annulled or modified without the assent of the Powers signing the present Treaty.* Light vessels.

[1] Cf. Treaty of London, 1871, Arts. 1, 2, 3.

[2] This Article, and Articles 13 and 14, are abrogated by Art. 1 of the Treaty of London.

[3] The exception relates to the two light vessels which each of the signatory Powers might station at the mouths of the Danube.

[4] Cf. Art. 3 of the Treaty of London.

[5] Q. v. infra, p. 258.

The Danube, 15–19[1].

Principles of Vienna.

Art. XV. The Act of the Congress of Vienna[1] having established the principles intended to regulate the navigation of rivers which separate or traverse different States, the Contracting Powers stipulate among themselves that those principles shall in future be equally applied to the Danube and its mouths[2]. They declare that this arrangement henceforth forms a part of the public law of Europe, and take it under their guarantee.

The navigation of the Danube cannot be subjected to any impediment or charge not expressly provided for by the stipulations contained in the following Articles: in consequence, there shall not be levied any toll founded solely upon the fact of the navigation of the river[3], nor any duty upon the goods which may be on board of vessels. The regulations of police and of quarantine to be established for the safety of the States separated or traversed by that river shall be so framed as to facilitate, as much as possible, the passage of vessels. With the exception of such regulations, no obstacle whatever shall be opposed to free navigation.

The European Commission.

Art. XVI. With the view to carry out the arrangements of the preceding Article, a Commission, in which Great Britain, Austria, France, *Prussia*, Russia, *Sardinia*, and Turkey[4], shall each be represented by one delegate, shall be charged to designate and to cause to be executed the works necessary below *Isaktcha*[5], to clear the mouths of the Danube, as well as the neighbouring parts of the sea, from the sands and other impediments which obstruct them, in order to put that part of the river and the said parts of the sea in the best possible state for navigation.

[1] Cf. Infra, Texts, Nos. III–VIII. [2] Q. v. supra, p. 227.

[3] How far this has been done has been much questioned.

[4] The prohibition of levying tolls was, by Art. 6 of the Treaty of 1871, suspended as to that part of the river where the cataracts and the Iron Gates offer impediments to navigation. See also Art. 5 of the Treaty of 1883 (Texts, No. VIII).

[5] Germany and Italy have taken the place of Prussia and Sardinia among the Powers represented on the Commission. Roumania has been added to them by Art. 53 of the Treaty of Berlin.

[6] The authority of the Commission was extended upwards to Galatz by Art. 53 of the Treaty of Berlin, and to Ibraila by Art. 1 of the Treaty of London, 1883 On the history of this Commission, v. supra, p. 230.

In order to cover the expenses of such works, as well as of the establishments intended to secure and to facilitate the navigation at the mouths of the Danube, fixed duties, of a suitable rate, settled by the Commission by a majority of votes, may be levied, on the express condition that, in this respect as in every other, the flags of all nations shall be treated on the footing of perfect equality [1].

The Riverain Commission.

ART. XVII. *A Commission shall be established, and shall be composed of delegates of Austria, Bavaria, the Sublime Porte, and Würtemberg (one for each of those Powers), to whom shall be added Commissioners from the three Danubian Principalities, whose nomination shall have been approved by the Porte. This Commission, which shall be permanent: 1. Shall prepare regulations of navigation and river police; 2. Shall remove the impediments, of whatever nature they may be, which still prevent the application to the Danube of the arrangements of the Treaty of Vienna; 3. Shall order and cause to be executed the necessary works throughout the whole course of the river; and 4, Shall, after the dissolution of the European Commission, see to maintaining the mouths of the Danube and the neighbouring parts of the sea in a navigable state* [2].

Duration of powers.

ART. XVIII. *It is understood that the European Commission shall have completed its task, and that the Riverain Commission shall have finished the works described in the preceding Article, under Nos. 1 and 2, within the period of two years. The signing Powers assembled in Conference having been informed of that fact, shall, after having placed it on record, pronounce the dissolution of the European Commission, and from that time the permanent Riverain Commission shall enjoy the same powers as those with which the European Commission shall have until then been invested* [3].

[1] The Commission has prepared several Navigation Acts for the Lower Danube. Those now in force are the Act of 2nd November, 1865 (Texts, No. IV), with the 'Acte additionel' of 28th May, 1881 (Texts, No. VII), v. supra, p. 231.

[2] This Commission, instead of being permanent, practically ceased to exist after the disallowance of its Navigation Act by the Powers in 1859; although its reconstitution was contemplated by Art. 17 of the Treaty of London of 1871. On its history, v. supra, p. 230.

[3] None of the provisions of this Article have been complied with. The Riverain Commission within the two years succeeded only in producing an Act

Light vessels.

ART. XIX. In order to insure the execution of the regulations which shall have been established by common agreement, in conformity with the principles above declared, each of the Contracting Powers shall have the right to station, at all times, two light vessels at the mouths of the Danube[1].

BESSARABIA, 20, 21.

Cession by Russia.

ART. XX. *In exchange for the towns, ports, and territories enumerated in Article IV of the present Treaty, and in order more fully to secure the freedom of the navigation of the Danube, His Majesty the Emperor of all the Russias consents to the rectification of his frontier in Bessarabia.*

The new frontier shall begin from the Black Sea, one kilometre to the east of the Lake Bourna Sola, shall run perpendicularly to the Akerman road, shall follow that road to the Val de Trajan, pass to the south of Bolgrad, ascend the course of the River Yalpuck to the Height of Saratsiki, and terminate at Katamori on the Pruth. Above that point the old frontier between the two Empires shall not undergo any modification.

Delegates of the Contracting Powers shall fix, in its details, the line of the new frontier[2].

to which the Powers refused their sanction, and, so far from permanently taking the place of the European Commission, thereupon ceased to exist. The European Commission, on the other hand, instead of being dissolved, after completing its task, in 1858, has been prolonged from time to time, and is now to continue at least to the year 1904. Vid. supra, p. 233.

[1] This right was reserved when the Black Sea was neutralized by Art. 11.

[2] Some controversy having arisen as to these two Articles, it was provided by a Protocol signed at Paris, 6th January, 1857, to have the force of a convention, that the boundary should be traced in detail by a Delimitation Commission by 30th March, at which date the Austrian troops were to have evacuated the Principalities, the British squadron to have left the Black Sea, and the Straits Convention to come into operation; also that the Delta of the Danube and the Isle of Serpents should be under the direct sovereignty of the Porte. (Parl. Papers, 1857; N. R. G. xv, 793.) The Delimitation Commissioners signed their Definitive Act at Kisceneff, 30th March, 1857 (N. R. G. xx, 4), drawing the frontier line north of Bolgrad, and a Treaty was signed at Paris, 19th June, 1857, by the representatives of the Powers there, superseding the Protocol by embodying its provisions, and adopting the Act of the Delimitation Commission. (Parl. Papers, 1858; N. R. G. xvi, 2 P., 11, Texts, No. III.) By Art. 45 of the Treaty of Berlin the portion of the Bessarabian territory detached from Russia by the Treaty of Paris, bounded on the west by the mid-channel of the Pruth, and on the south

ART. XXI. *The territory ceded by Russia shall be annexed to the Principality of Moldavia under the suzerainty of the Sublime Porte*[1]. Annexation to Moldavia.

The inhabitants of that territory shall enjoy the rights and privileges secured to the Principalities; and, during the space of three years, they shall be permitted to transfer their domicile elsewhere, disposing freely of their property.

WALLACHIA AND MOLDAVIA, 22-27[2].

ART. XXII. *The Principalities of Wallachia and Moldavia shall continue to enjoy under the suzerainty of the Porte, and under the guarantee of the Contracting Powers, the privileges and immunities of which they are in possession. No exclusive protection shall be exercised over them by any of the Guaranteeing Powers. There shall be no separate right of interference in their internal affairs.* Collective guarantee.

ART. XXIII. *The Sublime Porte engages to preserve to the said Principalities an independent and national administration, as well as full liberty of worship, of legislation, of commerce, and of navigation.* Privileges.

The laws and statutes at present in force shall be revised. In order to establish a complete agreement in regard to such revision, a Special Commission, as to the composition of which the High Contracting Powers will come to an understanding among themselves, shall assemble, without delay, at Bucharest, together with a Commissioner of the Sublime Porte.

The business of this Commission shall be to investigate the present state of the Principalities, and to propose bases for their future organization.

ART. XXIV. *His Majesty the Sultan promises to convoke immediately in each of the two Provinces a Divan* ad hoc, *composed in such a manner as to represent most closely the interests of all* Divans.

by the mid-channel of the Kilia branch and the Stary-Stamboul mouth, is restored to Russia. By Art. 46 the Delta of the Danube and the Isle of Serpents are added to Roumania.

[1] By the Treaty of Berlin this territory became the property of Roumania, and by Art. 45 is restored by it to Russia.

[2] Cf. supra, p. 233, Arts. 43-51 of the Treaty of Berlin.

classes of society. These Divans shall be called upon to express the wishes of the people in regard to the definitive organization of the Principalities.

An instruction from the Congress shall regulate the relations between the Commission and these Divans.

ART. XXV. *Taking into consideration the opinion expressed by the two Divans, the Commission shall transmit, without delay, to the present seat of the Conferences, the result of its own labours.*

Reorganization. *The final agreement with the Suzerain Power shall be recorded in a Convention to be concluded at Paris between the High Contracting Parties; and a Hatti-Scherif, in conformity with the stipulations of the Convention, shall constitute definitively the organization of those Provinces, placed thenceforward under the collective guarantee of all the signing Powers*[1].

National troops. ART. XXVI. *It is agreed that there shall be in the Principalities a national armed force, organized with the view to maintain the security of the interior, and to insure that of the frontiers. No impediment shall be opposed to the extraordinary measures of defence which, by agreement with the Sublime Porte, they may be called upon to take in order to repel any external aggression.*

Armed intervention of the Porte. ART. XXVII. *If the internal tranquillity of the Principalities should be menaced or compromised, the Sublime Porte shall come to an understanding with the other Contracting Powers in regard to the measures to be taken for maintaining or re-establishing legal order. No armed intervention can take place without previous agreement between those Powers.*

SERVIA, 28, 29[2].

Privileges. ART. XXVIII. *The Principality of Servia shall continue to hold of the Sublime Porte, in conformity with the Imperial Hatts which fix and determine its rights and immunities*[3], *placed henceforward under the collective guarantee of the Contracting Powers.*

In consequence, the said Principality shall preserve its independent and national administration, as well as full liberty of worship, of legislation, of commerce, and of navigation[4].

Garrison. ART. XXIX. *The right of garrison of the Sublime Porte, as*

[1] V. supra, p. 234.

[2] Cf. supra, p. 236, and Arts. 34–42 of the Treaty of Berlin.

[3] I. e. of 15th August, 1830, and 24th December, 1838; Législation Ottomane, ii. pp. 56, 60.

[4] V. supra, p. 236.

stipulated by anterior regulations, is maintained[1]. *No armed intervention can take place in Servia without previous agreement between the High Contracting Powers.*

Asiatic Boundary[2].

Restoration of the *status quo*.

Art. XXX. *His Majesty the Emperor of all the Russias and His Majesty the Sultan maintain, in its integrity, the state of their possessions in Asia, such as it legally existed before the rupture.*

In order to prevent all local dispute, the line of frontier shall be verified, and, if necessary, rectified, without any prejudice as regards territory being sustained by either party.

For this purpose a Mixed Commission, composed of two Russian Commissioners, two Ottoman Commissioners, one English Commissioner, and one French Commissioner, shall be sent to the spot immediately after the re-establishment of diplomatic relations between the Court of Russia and the Sublime Porte. Its labours shall be completed within the period of eight months after the exchange of the ratifications of the present Treaty[3].

Evacuation.

Evacuation by the allies.

Art. XXXI. *The territories occupied during the war by the troops of Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, and the King of Sardinia, according to the terms of the Conventions signed at Constantinople on the twelfth of March, one thousand eight hundred and fifty-four, between Great Britain, France, and the Sublime Porte; on the fourteenth of June of the same year between Austria and the Sublime Porte; and on the fifteenth of March, one thousand eight hundred and fifty-five, between Sardinia and the Sublime Porte; shall be evacuated as soon as possible after the exchange of the ratifications of the present Treaty. The periods and the means of execution shall form the object of an arrangement between the Sublime Porte and the Powers whose troops have occupied its territory.*

[1] V. supra, p. 236. [2] Cf. Arts. 58-60, of the Treaty of Berlin.

[3] The Final Act of this Mixed Commission was signed at Constantinople on 5th December, 1857; N. R. G. xx, 13. See also the Protocol of the Conference of Paris of 28th April, 1858; N. R. G. ib. 18. A Supplementary Act was signed on 11th September, 1858, at Hadji-Bairam. Ibid.

COMMERCIAL INTERCOURSE.

Interim rights.

ART. XXXII. *Until the Treaties or Conventions which existed before the war between the belligerent Powers have been either renewed or replaced by new Acts, commerce of importation or of exportation shall take place reciprocally on the footing of the regulations in force before the war; and in all other matters their subjects shall be respectively treated upon the footing of the most favoured nation*[1].

ALAND ISLANDS.

[ART. XXXIII. The Convention concluded this day between Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, on the one part, and His Majesty the Emperor of all the Russias on the other part, respecting the Aland Islands, is and remains annexed to the present Treaty, and shall have the same force and validity as if it formed a part thereof[2].]

Ratifications.

ART. XXXIV. *The present Treaty shall be ratified, and the ratifications shall be exchanged at Paris in the space of four weeks, or sooner if possible*[3].

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Paris, the thirtieth day of the month of March, in the year one thousand eight hundred and fifty-six.

CLARENDON.
COWLEY.
BUOL-SCHAUENSTEIN.
HÜBNER.
A. WALEWSKI.
BOURQUENEY.
MANTEUFFEL.
C. M. D'HATZFELDT.
ORLOFF.
BRUNNOW.
C. CAVOUR.
DE VILLAMARINA.
AALI.
MEHEMMED DJEMIL.

[1] New Commercial Treaties have probably been made with the Porte by all the signatory Powers.

[2] This Article has no reference to the Eastern Question.

[3] Ratifications were exchanged on 27th April, 1856.

Additional and Transitory Article.

The stipulations of the Convention respecting the Straits, signed this day, shall not be applicable to the vessels of war employed by the belligerent Powers for the evacuation, by sea, of the territories occupied by their armies; but the said stipulations shall resume their entire effect as soon as the evacuation shall be terminated.

Done at Paris, the thirtieth day of the month of March, in the year one thousand eight hundred and fifty-six.

(The same signatures.)

Conventions annexed to the preceding Treaty.

I. *Convention between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of Russia, and the King of Sardinia, on the one part, and the Sultan, on the other part, respecting the Straits of the Dardanelles and of the Bosphorus. Signed at Paris, March* 30, 1856 [1].

Straits Convention, 1856, 30th March.

In the Name of Almighty God.

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of all the Russias, signing Parties to the Convention of the thirteenth day of July, one thousand eight hundred and forty-one; and His Majesty the King of Sardinia; wishing to record in common their unanimous determination to conform to the ancient rule of the Ottoman Empire, according to which the Straits of the Dardanelles and of the Bosphorus are closed to foreign ships of war, so long as the Porte is at peace;

[1] By the Protocol of 6th January, 1857, it was agreed that this Convention should come into operation on 30th March of that year. See notes to Arts. 20 and 21 of the Treaty of Paris. It is still in force, but is supplemented by Art. 2 of the Treaty of 1871. For certain reserves made with reference to the Straits by the Plenipotentiaries of Great Britain at the Congress of Berlin, see Parl. Papers, 1878, Turkey, No. 29, pp. 270, 277. Supra, p. 226.

Their said Majesties, on the one part, and His Majesty the Sultan, on the other, have resolved to renew the Convention concluded at London on the thirteenth day of July, one thousand eight hundred and forty-one, with the exception of some modifications of detail which do not affect the principle upon which it rests.

In consequence, Their said Majesties have named for that purpose as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick Earl of Clarendon, &c., and the Right Honourable Henry Richard Charles Baron Cowley, &c.;

His Majesty the Emperor of Austria, the Sieur Charles Ferdinand Count of Buol-Schauenstein, &c., and the Sieur Joseph Alexander Baron de Hübner, &c.;

His Majesty the Emperor of the French, the Sieur Alexander Count Colonna Walewski, &c., and the Sieur Francis Adolphus Baron de Bourqueney, &c.;

His Majesty the King of Prussia, the Sieur Otho Theodore Baron de Manteuffel, &c., and the Sieur Maximilian Frederick Charles Francis, Count of Hatzfeldt Wildenburg-Schoenstein, &c.;

His Majesty the Emperor of all the Russias, the Sieur Alexis Count Orloff, &c., and the Sieur Philip Baron de Brunnow, &c.;

His Majesty the King of Sardinia, the Sieur Camille Benso, Count of Cavour, &c.; and the Sieur Salvator Marquis de Villamarina, &c.;

And His Majesty the Emperor of the Ottomans, Mouhammed Emin Aali Pasha, &c.; and Mehemmed Djemil Bey, &c.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. His Majesty the Sultan, on the one part, declares that he is firmly resolved to maintain for the future the principle invariably established as the ancient rule of his Empire, and in virtue of which it has, at all times, been prohibited for the ships of war[1] of foreign Powers to enter the Straits of the

[1] Under this expression military transports are admittedly included, and the passage of Russian vessels of the kind has been repeatedly complained of by the Porte.

Dardanelles and of the Bosphorus; and that, so long as the Porte is at Peace, His Majesty will admit no foreign ship of war into the said Straits.

And Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of all the Russias, and the King of Sardinia, on the other part, engage to respect this determination of the Sultan, and to conform themselves to the principle above declared.

ART. II. The Sultan reserves to himself, as in past times, to deliver firmans of passage for light vessels under flag of war, which shall be employed, as is usual, in the service of the Missions of foreign Powers[1].

ART. III. The same exception applies to the light vessels under flag of war which each of the Contracting Powers is authorized to station at the mouths of the Danube in order to secure the execution of the regulations relative to the liberty of that river, and the number of which is not to exceed two for each Power.

ART. IV. *The present Convention, annexed to the General Treaty signed at Paris this day, shall be ratified, and the ratifications shall be exchanged in the space of four weeks, or sooner if possible.*

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Paris, the thirtieth day of the month of March, in the year one thousand eight hundred and fifty-six.

(The same signatures.)

II. *Convention between the Emperor of Russia and the Sultan, limiting their Naval Force in the Black Sea. Signed at Paris, March 30, 1856*[2].

1856, March 30th.

In the Name of Almighty God.

HIS Majesty the Emperor of all the Russias, and His Imperial Majesty the Sultan, taking into consideration the

[1] See the further exception introduced by Art. 2 of the Treaty of London of 1871.

[2] Abrogated by Art. 1 of the Treaty of London of 1871.

principle of the neutralization of the Black Sea established by the preliminaries contained in the Protocol No. I, signed at Paris on the twenty-fifth of February of the present year, and wishing, in consequence, to regulate by common agreement the number and the force of the light vessels which they have reserved to themselves to maintain in the Black Sea for the service of their coasts, have resolved to sign, with that view, a Special Convention, and have named for that purpose:—

His Majesty the Emperor of all the Russias, the Sieur Alexis Count Orloff, &c.; and the Sieur Philip Baron de Brunnow, &c.;

And His Majesty the Emperor of the Ottomans, Mouhammed Emin Aali Pasha, &c.; and Mehemmed Djemil Bey, &c.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. *The High Contracting Parties mutually engage not to have in the Black Sea any other vessels of war than those of which the number, the force, and the dimensions are hereinafter stipulated.*

ART. II. *The High Contracting Parties reserve to themselves each to maintain in that sea six steam-vessels of fifty mètres in length at the line of flotation, of a tonnage of eight hundred tons at the maximum, and four light steam or sailing-vessels of a tonnage which shall not exceed two hundred tons each.*

ART. III. *The present Convention annexed to the General Treaty, signed at Paris this day, shall be ratified, and the ratifications shall be exchanged in the space of four weeks, or sooner, if possible* [1].

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Paris, the thirtieth day of the month of March, in the year one thousand eight hundred and fifty-six.

ORLOFF.
BRUNNOW.
AALI.
MEHEMMED DJEMIL.

[1] The ratifications were exchanged on 27th April, 1856.

III. *Convention between Her Majesty, the Emperor of the French, and the Emperor of Russia, respecting the Aland Islands. Signed at Paris, March* 30, 1856.

(This Convention, though still in force, is omitted as not affecting the Eastern question.)

No. II.

Treaty between Her Majesty, the Emperor of Austria, and the Emperor of the French, guaranteeing the Independence and Integrity of the Ottoman Empire. Signed at Paris, April 15, 1856[1]. 1856, April 15th.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, and His Majesty the Emperor of the French, wishing to settle between themselves the combined action which any infraction of the stipulations of the Peace of Paris would involve on their part, have named for that purpose as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick Earl of Clarendon, &c., &c.; and the Right Honourable Henry Richard Charles Baron Cowley, &c., &c.;

His Majesty the Emperor of Austria, the Sieur Charles Ferdinand Count de Buol-Schauenstein, &c., &c.; and the Sieur Joseph Alexander Baron de Hübner, &c., &c.;

And His Majesty the Emperor of the French, the Sieur Alexander Count Colonna Walewski, &c., &c.; and the Sieur Francis Adolphus Baron de Bourqueney, &c., &c.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

[1] It can hardly be doubted that after the events of 1878 this treaty is no longer in force. See Lord Salisbury to M. Waddington, Parl. Papers, 1878, Turkey, No. 48, p. 1.

ART. I. *The High Contracting Parties guarantee, jointly and severally, the independence and the integrity of the Ottoman Empire, recorded in the Treaty concluded at Paris on the thirtieth of March, one thousand eight hundred and fifty-six* [1].

ART. II. *Any infraction of the stipulations of the said Treaty will be considered by the Powers signing the present Treaty as a casus belli. They will come to an understanding with the Sublime Porte as to the measures which have become necessary, and will without delay determine among themselves as to the employment of their military and naval forces.*

ART. III. *The present Treaty shall be ratified, and the ratifications shall be exchanged in a fortnight, or sooner if possible* [2].

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Paris, the fifteenth day of the month of April, in the year one thousand eight hundred and fifty six.

CLARENDON.
COWLEY.
BUOL-SCHAUENSTEIN.
HÜBNER.
A. WALEWSKI.
BOURQUENEY.

No. III.

1857, June 19th. *Treaty between Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, relative to the Frontier in Bessarabia, the Isle of Serpents, and the Delta of the Danube. Signed at Paris, June 19, 1857* [3].

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Em-

[1] Cf. Art. 7 of the Treaty of Paris.
[2] Ratifications were exchanged on 29th April, 1856.
[3] Parl. Papers, 1858; N. R. G. xvi. 2, p. 11.

peror of the French, the King of Prussia, the Emperor of all the Russias, the King of Sardinia, and the Emperor of the Ottomans, considering that the Boundary Commission charged with the execution of Article XX of the Treaty of Paris, of the 30th March, 1856, has terminated its labours, and desiring to act in conformity with the arrangements of the Protocol of the 6th of January last, by recording in a Treaty the modifications made by common consent in that Article, as well as the resolutions adopted with regard to the Isle of Serpents and the Delta of the Danube, and contained in the same Protocol, have named as their Plenipotentiaries for that purpose, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry Richard Charles, Earl Cowley, &c., Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French ;

His Majesty the Emperor of Austria, M. Joseph Alexander Baron de Hübner, &c., His Ambassador to His Majesty the Emperor of the French ;

His Majesty the Emperor of the French, M. Alexandre Count Colonna Walewski, &c., His Minister and Secretary of State for Foreign Affairs ;

His Majesty the King of Prussia, M. Maximilian Frederick Charles Francis Count of Hatzfeldt Wildenburg-Schoenstein, &c., His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of the French ;

His Majesty the Emperor of all the Russias, the Count Paul Kisseleff, &c., His Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French ;

His Majesty the King of Sardinia, M. Salvator Marquis de Villamarina, &c., His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of the French ;

And His Majesty the Emperor of the Ottomans, Mehemmed Djemil Bey, &c., His Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of the French ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. *The line of frontier of Russia and of Turkey in Bessarabia is, and remains determined in conformity with the topographic map prepared by the Boundary Commissioners at Kichenew on the 30th of March, 1857; which map is annexed to the present Treaty, after having been initialled.*

ART. II. *The Contracting Powers agree that the islands included between the different branches of the Danube at its mouth, and forming the Delta of that river, as shown by the plan annexed to the Protocol of the 6th of January, 1857, shall, instead of being annexed to the Principality of Moldavia, as implied in the stipulations of Article XXI of the Treaty of Paris, be replaced under the immediate sovereignty of the Sublime Porte, of which they formerly held*[1].

ART. III. *The Treaty of the 30th of March, 1856, having, like the Treaties previously concluded between Russia and Turkey, been silent with regard to the Isle of Serpents, and the High Contracting Parties having agreed that it was proper to consider that island as a dependency of the Delta of the Danube, its destination is fixed according to the arrangements of the preceding Article.*

ART. IV. *In the general interest of maritime commerce, the Sublime Porte engages to maintain on the Isle of Serpents a lighthouse destined to afford security to the navigation of vessels proceeding to the Danube and to the port of Odessa. The Riverain Commission established by Article XVII of the Treaty of the 30th of March, 1856, for the purpose of maintaining the mouths of that river and the neighbouring parts of the sea in a navigable state, will see to the regular performance of the service of such lighthouse*[2].

ART. V. *The present Treaty shall be ratified, and the ratifications shall be exchanged in four weeks, or sooner if possible*[3].

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

[1] See now Art. 46 of the Treaty of Berlin, the Additional Act, Texts, No. VII, and the Treaty of 1883, Texts, No. VIII.

[2] Cf. Art. 56 of the Treaty of Berlin, and Art. 5 of the Additional Act, Texts, No. VII.

[3] The ratifications were exchanged on 31st December, 1857.

Done at Paris, the nineteenth day of June, in the year of our Lord one thousand eight hundred and fifty-seven.

COWLEY.
HÜBNER.
A. WALEWSKI.
C. M. D'HATZFELDT.
CTE. DE KISSELEFF.
DE VILLAMARINA.
MEHEMMED DJEMIL.

No. IV.

Public Act relative to the Navigation of the Mouths of the Danube. Signed at Galatz, November 2, 1865[1]. 1865, Nov. 2nd.

An European Commission having been instituted by Article XVI of the Treaty of Paris of 30th March, 1856, in order to put the part of the Danube lying below *Isaktcha*[2], its mouths, and the neighbouring part of the sea, in the best possible conditions of navigability:

Improvements effected.

And the said Commission acting in virtue of this mandate, having succeeded, after nine years' work, in realizing important improvements in the system of navigation—notably, by the construction of two piers at the mouth of the Sulina branch, which have had the effect of admitting into its embouchure vessels of a large draught of water—by the execution of works of correction and cleansing in the course of the same branch—by raising wrecks, and establishing a system of buoys—by the erection of a lighthouse at the mouth of the St. George—by the institution of a regular lifeboat service, and by the creation of a seaman's hospital at Sulina—lastly, by the provisional regulation of the different services connected with the navigation between Isaktcha and the sea:

The Powers who signed the said Treaty concluded at Paris on the 30th March, 1856, desiring to make known that, in thus accomplishing an essential part of its task, the European

[1] This Act was ratified at the sitting of the Conference at Paris on the 28th March, 1866. Cf. supra, p. 231.

[2] See Art. 53 of the Treaty of Berlin, and Art. 1 of the Treaty of 1883.

Commission has acted in conformity with their intentions, and wishing to determine by a public Act, the rights and obligations which the new state of things established on the Lower Danube has created for the different parties interested, and particularly for all the flags navigating the river, have named for their Plenipotentiaries: that is to say:—

[Here follow the names and titles of the Plenipotentiaries.]

Who, after having shown their full powers, found in good and due form, have agreed upon the following provisions:—

PART I. *Provisions relating to the Material Conditions of the Navigation.*

The works placed under protection of International law.

ART. I. All the works and establishments created in execution of Article XVI of the Treaty of Paris of 30th March, 1856, with all belonging to or depending from them, shall continue to be devoted exclusively to the use of the navigation of the Danube, and can never be turned aside from this object for any motive whatever; to this end they are placed under the guarantee and protection of international law.

The European Commission of the Danube, or the authority which shall of right take its place, shall continue charged, to the exclusion of all interference whatever, to administer these works and establishments for the advantage of the navigation, to watch over their maintenance and preservation, and to give to them all the development that the requirements of the navigation may demand.

ART. II. There shall be specially reserved to the said European Commission, or to the authority that shall succeed it, the power to design and cause to be carried out all the works that may be deemed necessary, in the event of its being wished to render permanent the improvements, until now of a temporary character, in the branch and at the mouth of the Sulina, and to prolong the piers at this mouth according as the state of the Bar Channel may require it.

ART. III. There will remain reserved to the said European Commission to undertake the improvement of the mouth and branch of the St. George, resolved on by common agreement, and simply postponed for the present.

ART. IV. *The Sublime Porte engages for the future, as hitherto, to lend to the European Commission, or to the authority which shall succeed it, all the assistance and all the co-operation which either may require in the execution of engineering works, and, generally, in all that concerns the accomplishment of its task. It will take care that the banks of the Danube from Isaktcha to the sea remain free from all buildings, private rights of way, and other obstacles whatsoever, and it will continue, under reserve of the annual rent to which landed property is subject in Turkey, to leave at the disposal of the Commission, in the port of Sulina, the left bank of the river for a distance of 760 mètres up stream, measured from the root of the north pier, and for a width of 150 mètres, measured from the bank.*

It consents, moreover, to grant a fitting site on the right bank of the river for the buildings which the Commission, or the authority that shall succeed it, may think fit to erect for the service of the port of Sulina, for the seaman's hospital, and for the other requirements of the administration.

ART. V. *In the event of the Commission making use of the reserve mentioned in Article III concerning the improvement of the mouth and branch of St. George, the Sublime Porte consents that the said Commission may dispose (as soon as there shall be need of them) of the ground and sites belonging to the State Domain, which shall have been previously designed and determined upon as necessary, both for the construction of works and for the formation of the establishments which will have to be created in consequence of, or as a complement to, this improvement* [1].

ART. VI. It is understood that on neither bank of the river, either in the port of Sulina or St. George, shall there be constructed, either by the territorial authorities, by commercial or navigation companies, or by private individuals, any landing jetties, quays, or other establishments of the same nature of which the plans have not been communicated to the European Commission and recognised as being in conformity with the

[1] Under the Treaty of Berlin, this branch flows through the territory of Roumania.

general plan of the quays, and as tending in nowise to compromise the effect of the works of improvement.

PART II. *Provisions relating to the Administrative Control of the Navigation.*

§ 1. *Of Regulations in General.*

Regulation.

ART. VII. The navigation of the mouths of the Danube is governed by the 'Regulation of Navigation and Police,' enacted by the European Commission under date of this day, and which, annexed under letter A to the present Act[1], is to have the same force and value as if it formed part of it.

It is understood that this regulation is binding as law, not only in what concerns the river police, but also for the judgment of cases of civil procedure arising from the exercise of the navigation.

The Inspector-General.

ART. VIII. The exercise of the navigation of the Lower Danube is placed under the authority and the superintendence of the Inspector-General of the Lower Danube, and of the Captain of the port of Sulina.

The Captain of port of Sulina.

These two Agents named by *the Sublime Porte*[2], shall conform all their Acts to the regulation, the application of which is confided to them, and to the strict observance of which they shall be sworn. The sentences emanating from their authority shall be pronounced in the name of *His Majesty the Sultan.*

In case the European Commission or the permanent Riverain Commission shall establish that a delinquency or offence has been committed by one or other of the said Agents against the regulation of navigation and police, *it will request his dismissal from the Sublime Porte. If the Sublime Porte thinks it necessary to proceed to a fresh inquiry into the facts already established by the Commission, the latter will have the right to attend it by the medium of a delegate, and when the culpability of the accused shall have been duly proved, the Sublime Porte will provide without delay for his being replaced.*

Except in the case provided for by the preceding paragraph,

[1] This Regulation has been several times revised and reissued.

[2] See now Art. 2 of the Additional Act, Texts, No. VII.

the Inspector-General and the Captain of the Port of Sulina can only be removed from their respective posts at their own request, or *in consequence of an agreement between the Sublime Porte and the European Commission.*

These Agents will thus both act under the superintendence of the European Commission.

The Inspector-General, the Captain of the Ports of Sulina and Toultcha, and the Superintendents (subordinate to the Inspector-General), shall be paid by *the Ottoman Government.*

They shall be chosen from among competent persons.

ART. IX. In virtue of the principles of the Act of the Congress of Vienna, confirmed by Article XV of the Treaty of Paris, the authority of the Inspector-General and of the Captain of the Port of Sulina is exercised towards all flags without distinction.

The Inspector-General is specially set over the police of the river below *Isaktcha*, exclusive of the Port of Sulina; he is assisted by *superintendents* distributed over the different sections of the river within his jurisdiction.

The Captain of the Port of Sulina is charged with the police of the port and outer roadstead of Sulina.

A special instruction, determined by common agreement, regulates in its details the action of the Inspector-General and that of the Captain of the Port of Sulina.

ART. X. Merchant captains, to whatever nationality they belong, are bound to obey the orders given to them, in virtue of the regulation of navigation and police, by the Inspector-General and by the Captain of the Port of Sulina.

The naval forces.

ART. XI. The carrying out of the regulation of navigation and police, as well as the application of the Tariff, of which mention will be made in the 13th and following Articles of the present Act, is moreover insured by the action of the vessels of war stationed at the mouths of the Danube, in conformity with Article XIX of the Treaty of Paris.

Each naval force on the station acts upon the vessel of its own nationality, and upon those whose flag it is called upon to protect, whether by virtue of Treaties or usage, or in consequence of a general or special delegation.

In default of a vessel of war qualified to interfere, the Inter-

national authorities of the river can have recourse to the vessel of war of the territorial Power.

ART. XII. It is understood that the Regulation of Navigation and Police, joined to the present Act, will continue to be law until such time as the Regulations mentioned in Article XVII of the Treaty of Paris shall have been determined by common agreement and put in force[1]. The same thing is understood of the provisions of the foregoing Articles VIII, IX, and X, in so far as the powers of the Inspector-General are concerned.

§ 2. *Of the Tariff of Navigation Dues.*

Tariff.

ART. XIII. Article XVI of the Treaty of Paris having conferred on the European Commission the right of imposing on the navigation a toll of a rate suited to cover the expenses of the works and establishments above mentioned, and the Commission having made use of this right by enacting the Tariff of the 25th July, 1860, revised the 7th March, 1863, the proceeds of which have furnished it with resources necessary for the completion of the Sulina Works, it is expressly agreed upon by the present Act that the above-mentioned Tariff, whose provisions have just been completed, shall continue to be binding for the future.

To this end the Tariff in question has been joined to the present Act, under Letter B[2], to have the same force and value as if it formed an integral part of it.

ART. XIV. The proceeds of the tax shall be appropriated:—

1st. By priority and preference to the repayment of the loans contracted by the European Commission, and of those which it may hereafter contract for completing the works for the improvement of the mouth of the Danube.

2ndly. To covering the expenses of administration and maintenance of the works and establishments.

3rdly. To the liquidation of the advances made to the Commission by the Sublime Porte. This liquidation will be effected

[1] It seems now to be unlikely that this Article will take effect.

[2] This Tariff has been several times revised and reissued.

in conformity with a special arrangement concluded for this purpose between the European Commission and the Delegate of His Imperial Majesty the Sultan, under this day's date.

The surplus of these proceeds, if there is any, shall be held in reserve to meet the expenses that may be incurred by the prolongation of the Sulina Piers, or by the carrying out of such other works as the European Commission, or the authority which shall succeed it, shall subsequently judge useful.

It is expressly understood, moreover, that no part of the proceeds of the tolls levied on sea-going vessels, or of the loans realized by means of the appropriation of these tolls, can be employed to cover the expenses of works or of administration connected with a section of the river above *Isaktcha*.

ART. XV. At the expiration of every term of five years, and with a view to diminish, if possible, the burdens imposed upon the navigation, Delegates from the Powers that have enacted the above-mentioned Tariff shall proceed to a revision of its provisions, and the amount of the toll shall be reduced as much as possible, always, however, maintaining the mean revenue judged necessary.

ART. XVI. The method of collecting the tolls, and the administration of the Navigation Cash Office of Sulina, shall continue to be governed by the Regulations at present in force.

The responsible Agent, charged with the collection, shall be appointed by majority of votes by the European Commission, or by the authority which shall succeed it, and shall act under its immediate orders.

The general control of the transactions of the Cash Office shall be exercised by an Agent whose appointment shall belong to the Ottoman Government[1].

A detailed balance-sheet of the transactions of the Navigation Cash Office shall be published every year in the official journals of the different Powers interested, as well as a statement, making known the distribution and appropriation of the proceeds of the Tariff.

[1] See now Art. 3 of the Additional Act, Texts, No. VII.

Light-houses.

ART. XVII. *The general administration of the light-houses of the Ottoman Empire having undertaken to provide for the expenses of superintendence, maintenance, and lighting of the lighthouses of the mouths of the Danube, that portion of the whole amount of tax levied, representing the light dues, shall be paid into the hands of the said Administration; but it is understood that these dues can have no other object, in what concerns the existing lighthouses, and those that it may hereafter be judged useful to establish, than to cover their real expenses* [1].

§ 3. *On Quarantine.*

Quarantine.

ART. XVIII. The sanitary measures applicable to the mouths of the Danube shall continue to be regulated by the *Superior Board of Health, instituted at Constantinople, and in which the various foreign missions accredited to the Sublime Porte are represented by Delegates* [2]. These measures shall be framed so as to conciliate in a just degree security for the public health with the requirements of maritime commerce, and they shall be based, as far as possible, on the principles laid down in Articles XIX and XX hereinafter.

ART. XIX. Vessels descending the Danube shall be free from all sanitary control; it shall be the same for vessels entering the river from the sea as long as there shall be no contagious pestilence prevailing in the East. These vessels shall be simply bound to produce their bill of health to the authorities of the port where they shall anchor.

ART. XX. If a contagious pestilence happens to break out in the East, and if it is judged necessary to put in force sanitary measures on the Lower Danube, quarantine may be re-established at Sulina. Vessels entering from the sea shall be bound in this case to perform quarantine at Sulina, and if the pestilence has not invaded the Provinces of Turkey in Europe, they can be subject to no other sanitary control in ascending the river.

But if, on the contrary, the pestilence invades one or many of the Riverain Provinces of the Danube, quarantine establish-

[1] See Art. 5 of Additional Act.

[2] See now Art. 6 of the Additional Act.

ments shall be instituted wherever there shall be need, on the part of the river which traverses the territory of Turkey.

PART III. *Neutrality.*

ART. XXI. The works and establishments of all kinds created by the European Commission of the Danube, or by the authority which shall succeed it, in execution of Article XVI of the Treaty of Paris, particularly the Navigation Cash Office at Sulina, and those which it may hereafter create, shall enjoy the neutrality stipulated by Article XI of the said Treaty, and shall be, in case of war, equally respected by all the belligerents. Neutrality.

The benefit of this neutrality shall be extended, with the obligations which spring from it, to the general inspection of the navigation, to the administration of the port of Sulina, to the staff of the Navigation Cash Office and Seaman's Hospital, and, lastly, to the technical staff charged with the superintendence of the works [1].

ART. XXII. *This present Act shall be ratified. Each of the High Contracting Parties will ratify in a single copy; and the ratifications shall be deposited within the space of two months, or sooner if possible, in the Chancellery of the Imperial Divan at Constantinople.*

In faith of which the respective Plenipotentiaries have signed it, and set to it the seal of their arms.

Done at Galatz, the second day of the month of November, of the year one thousand eight hundred and sixty-five.

J. STOKES.
A. DE KREMER.
ED. ENGELHARDT.
STRAMBIO.
SAINT PIERRE.
OFFENBERG.
AHMET RASSIM.

[1] Cf. Art. 7 of the Treaty of 1871.

No. V.

1871, March 13th.

Treaty between Her Majesty, the Emperor of Germany, King of Prussia, the Emperor of Austria, the French Republic, the King of Italy, the Emperor of Russia, and the Sultan, for the Revision of certain Stipulations of the Treaty of March 30, 1856. Signed at London, March 13, 1871[1].

In the Name of Almighty God.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohémia, &c., and Apostolic King of Hungary, The Chief of the Executive Power of the French Republic, His Majesty the King of Italy, His Majesty the Emperor of all the Russias, and His Majesty the Emperor of the Ottomans, have judged it necessary to assemble their Representatives in Conference at London, in order to come to an understanding, in a spirit of concord, with regard to the revision of the stipulations of the Treaty concluded at Paris on the 30th March, 1856, relative to the navigation of the Black Sea, as well as to that of the Danube; being desirous, at the same time, to insure in those regions new facilities for the development of the commercial activity of all nations, the High Contracting Parties have resolved to conclude a Treaty, and have for that purpose named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Granville George Earl Granville, &c., Her Majesty's Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of Germany, King of Prussia, the Sieur Albert, Count of Bernstorff-Stintenburg, &c., Ambassador Extraordinary and Plenipotentiary of His Imperial and Royal Majesty to Her Britannic Majesty, &c.;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, the Sieur Rudolph Count

[1] Parl. Papers, 1871; N. R. G. xviii, 303. For the Protocols of the Conferences held at London from 17th January to 14th March, 1871, see Parl. Papers, 1871; N. R. G. xviii, 273.

Apponyi, &c., His Ambassador Extraordinary to Her Britannic Majesty, &c.;

The Chief of the Executive Power of the French Republic, the Sieur James Victor Albert Duc de Broglie, &c., Ambassador Extraordinary and Plenipotentiary of the Republic to Her Britannic Majesty, &c.;

His Majesty the King of Italy, the Chevalier Charles Cadorna, &c., His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty, &c.;

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, &c., His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, &c.;

And His Majesty the Emperor of the Ottomans, Constantine Musurus Pasha, &c., His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, &c.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

The Black Sea and Straits (Arts. 1–3).

Arts. 11, 13, 14, and annexed Convention, of Treaty of Paris abrogated.

Art. I. Articles XI, XIII, and XIV of the Treaty of Paris of March 30, 1856, as well as the special Convention concluded between Russia and the Sublime Porte, and annexed to the said Article XIV, are abrogated, and replaced by the following Article.

The Straits

Art. II. The principle of the closing of the Straits of the Dardanelles and the Bosphorus, such as it has been established by the separate Convention of March 30, 1856[1], is maintained, with power to His Imperial Majesty the Sultan to open the said Straits in time of peace to the vessels of war of friendly and allied Powers, in case the Sublime Porte should judge it necessary in order to secure the execution of the stipulations of the Treaty of Paris of March 30, 1856.

The Black Sea.

Art. III. The Black Sea remains open, as heretofore, to the mercantile marine of all nations[2].

The Danube (Arts. 4–7).

The European Commission.

Art. IV. The Commission established by Article XVI of the Treaty of Paris, in which the Powers who joined in sign-

[1] Supra, p. 255. [2] Cf. Art. 12 of the Treaty of Paris, supra, p. 247.

ing the Treaty are each represented by a delegate, and which was charged with the designation and execution of the works necessary below *Isaktcha*[1], to clear the mouths of the Danube, as well as the neighbouring parts of the Black Sea, from the sands and other impediments which obstruct them, in order to put that part of the river and the said parts of the sea in the best state for navigation, is maintained *in its present composition*[2]. The duration of that Commission is fixed for a further period of *twelve years, counting from April* 24, 1871, *that is to say, till April* 24, 1883[3], *being the term of the redemption of the loan contracted by that Commission, under the guarantee of Great Britain, Germany, Austria-Hungary, France, Italy, and Turkey*[4].

The Riverain Commission.

ART. V. *The conditions of the re-assembling of the Riverain Commission, established by Article XVII of the Treaty of Paris of March* 30, 1856, *shall be fixed by a previous understanding between the Riverain Powers, without prejudice to the clause relative to the three Danubian Principalities; and in so far as any modification of Article XVII of the said Treaty may be involved, this latter shall form the subject of a special Convention between the co-signatory Powers*[5].

A tax for removal of Cataracts.

ART. VI. As the Powers which possess the shores of that part of the Danube where the Cataracts and the Iron Gates offer impediments to navigation reserve to themselves to come to an understanding with the view of removing those impediments, the High Contracting Parties recognize from the present moment their right to levy a provisional tax on vessels of commerce of every flag which may henceforth benefit thereby, until the extinction of the debt contracted for the execution of the works; and they declare Article XV of the Treaty

[1] Extended, by Art. 53 of the Treaty of Berlin, to Galatz; and by Art. 1 of the Treaty of 1883, to Ibraila.

[2] Roumania was added to it by Art. 53 of the Treaty of Berlin.

[3] This period was further prolonged, by Art. 2 of the Treaty of London of 1883 (Texts, No. VIII), to at least to 24th April, 1904. Cf. supra, p. 233.

[4] This guarantee was given by a Convention, signed at Galatz on 30th April, 1868, q. v. Parl. Papers, 1868; N. R. G. xviii, 156. By Art. 1, the loan was not to exceed £135,000, and by Art. 2 the duration of its redemption was not to exceed 13 years from 1st January, 1871.

[5] No such Convention has been made, and the duties originally entrusted to the Riverain Commission have been entrusted to the European Commission by the Treaty of 1883 (Texts, No. VIII).

of Paris of 1856 to be inapplicable to that part of the river for a space of time necessary for the repayment of the debt in question[1].

The establishments of the European Commission to continue neutralized.

ART. VII. All the works and establishments of every kind created by the European Commission in execution of the Treaty of Paris of 1856, or of the present Treaty, shall continue to enjoy the same neutrality which has hitherto protected them[2], and which shall be equally respected for the future, under all circumstances, by the High Contracting Parties. The benefits of the immunities which result therefrom shall extend to the whole administrative and engineering staff of the Commission. *It is, however, well understood that the provisions of this Article shall in no way affect the right of the Sublime Porte to send, as heretofore, its vessels of war into the Danube in its character of territorial Power*[3].

CONFIRMATIONS AND RATIFICATIONS (ARTS. 8–9).

Confirmation of the Treaty of Paris.

ART. VIII. The High Contracting Parties renew and confirm all the stipulations of the Treaty of March 30, 1856, as well as of its annexes, which are not annulled or modified by the present Treaty[4].

Ratifications.

ART. IX. *The present Treaty shall be ratified, and the ratifications shall be exchanged at London in the term of six weeks, or sooner if possible*[5].

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the thirteenth day of the month of March, in the year one thousand eight hundred and seventy-one.

GRANVILLE.	BROGLIE.	BRUNNOW.
BERNSTORFF.	CADORNA.	MUSURUS.
APPONYI.		

[1] By Art. 57 of the Treaty of Berlin, these provisions are maintained in favour of Austria-Hungary.

[2] I. e. The neutrality claimed by Art. 21 of the Navigation Act of 2nd November, 1865 (Texts, No. IV), and allowed by the Paris Conference, 28th March, 1866. Cf. supra, p. 231.

[3] This right is now taken away by Art. 52 of the Treaty of Berlin.

[4] Cf. Art. 63 of the Treaty of Berlin, and Art. 8 of the Treaty of 1883.

[5] The ratifications were by agreement actually exchanged on 15th May, 1871.

1871, May 15th. *Convention between Russia and Turkey, signed at London, March* 13, 1871. *Communicated to the Conference, on the Exchange of the Ratifications, May* 15, 1871.

In the Name of Almighty God.

His Majesty the Emperor of all the Russias and His Imperial Majesty the Sultan, being mutually animated with the desire to consolidate the relations of peace and good understanding happily existing between their Empires, have resolved to conclude for this purpose a Convention, and have named to that effect as their Plenipotentiaries, that is to say:

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, &c.;

And His Imperial Majesty the Sultan, Constantine Musurus Pasha, &c.;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

Abrogation of Convention of 1856.

Art. I. The Special Convention concluded at Paris between His Majesty the Emperor of all the Russias and His Imperial Majesty the Sultan, on the $\frac{\text{eighteenth}}{\text{thirtieth}}$ of March, in the year one thousand eight hundred and fifty-six, relative to the number and force of the vessels of war of the two High Contracting Parties in the Black Sea, is and remains abrogated.

Art. II. *The present Convention shall be ratified, and the ratifications shall be exchanged at London in the space of six weeks, or sooner if possible.*

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the $\frac{\text{first}}{\text{thirteenth}}$ day of the month of March, in the year one thousand eight hundred and seventy-one.

BRUNNOW.
MUSURUS.

No. VI.

Treaty between Great Britain, Germany, Austria, France, Italy, Russia, and Turkey, for the Settlement of Affairs in the East. Signed at Berlin, July 13, 1878[1].

ARTICLES I-XII. Bulgaria. XIII-XXI. Eastern Roumelia. XXIII. Crete and other European Provinces. XXIV. Greece. XXV. Bosnia and Herzegovina. XXVI-XXXI, XXXIII. Montenegro. XXXIV-XL, XLII. Servia. XLIII-LI. Roumania. LII-LVII. The Danube. LVIII-LX. Cessions in Asia. LXI-LXII. Obligations undertaken by the Porte. XXII, XXXII, XLI. Evacuations. LXIII, LXIV. Confirmation of former Treaties and Ratification.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia, &c., and King Apostolic of Hungary, the President of the French Republic, His Majesty the King of Italy, His Majesty the Emperor of all the Russias, and His Majesty the Emperor of the Ottomans, being desirous to regulate, with a view to European order, conformably to the stipulations of the Treaty of Paris of 30th March, 1856[2], the questions raised in the East by the events of late years and by the war terminated by the preliminary Treaty of San Stefano, have been unanimously of opinion that the meeting of a Congress would offer the best means of facilitating an understanding.

Their said Majesties and the President of the French Republic have, in consequence, appointed as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Benjamin Disraeli, Earl of Beaconsfield, &c., First Lord of Her Majesty's Treasury, and Prime Minister of England; the Most Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury, &c., Her Majesty's Principal Secretary of State for

[1] Parl. Papers, 1878, Turkey, No. 44; N. R. G. 2me Série, iii, 449.
[2] Art. 7, supra, p. 245.

Foreign Affairs; and the Right Honourable Lord Odo William Leopold Russell, &c., Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

His Majesty the Emperor of Germany, King of Prussia, Otho, Prince Bismarck, His President of the Council of Ministers of Prussia, Chancellor of the Empire; Bernard Ernest de Bülow, His Minister of State and Secretary of State for Foreign Affairs; and Chlodwig Charles Victor, Prince of Hohenlohe-Schillingsfürst, &c., His Ambassador Extraordinary and Plenipotentiary to the French Republic, &c.

His Majesty the Emperor of Austria, King of Bohemia, &c., and King Apostolic of Hungary, Jules, Count Andrassy, &c.; His Minister of the Imperial Household and for Foreign Affairs, &c.; Louis Count Károlyi of Nagi-Károlyi, &c., His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia; and Henri, Baron de Haymerle, &c., His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the King of Italy;

The President of the French Republic, William Henri Waddington, &c., Minister Secretary of State for Foreign Affairs; Charles Raymond de la Croix de Chevrière, Count de Saint-Vallier, &c., Ambassador Extraordinary and Plenipotentiary from France at the Court of His Majesty the Emperor of Germany, King of Prussia; and Félix Hippolyte Desprez, &c., charged with the direction of Political Affairs at the Department for Foreign Affairs;

His Majesty the King of Italy, Louis, Count Corti, &c., His Minister for Foreign Affairs; and Edward, Count de Launay, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

His Majesty the Emperor of all the Russias, Alexander, Prince Gortchakow, His Chancellor of the Empire; Peter, Count de Schouvaloff, &c., His Ambassador Extraordinary and Plenipotentiary at the Court of Her Britannic Majesty; and Paul d'Oubril, &c., His Ambassador Extraordinary and

Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

And His Majesty the Emperor of the Ottomans, Alexander Carathéodory Pasha, His Minister of Public Works; Mehemed Ali Pasha, Mushir of His Armies; and Sadoullah Bey, His Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the Emperor of Germany, King of Prussia;

Who, in accordance with the proposal of the Court of Austria-Hungary, and on the invitation of the Court of Germany, have met at Berlin furnished with full powers, which have been found in good and due form.

An understanding having been happily established between them, they have agreed to the following stipulations:—

Bulgaria, 1–12[1].

Art. I. Bulgaria is constituted an autonomous and tributary Principality under the suzerainty of His Imperial Majesty the Sultan[2]; it will have a Christian Government and a national militia. Autonomy.

Art. II. The Principality of Bulgaria will include the following territories:— Delimitation.

The frontier follows on the north the right bank of the Danube from the former frontier of Servia up to a point to be determined by a European Commission[3] to the east of Silis-

[1] Cf. supra, p. 238.

[2] The ambiguous status of the Principality has given rise to some difficulties. The Porte having instituted a 'bureau for the privileged provinces,' viz. the Levant, Samos, Crete, Eastern Roumelia and Bulgaria, and having directed the agent of Bulgaria at Constantinople to correspond with it, the Principality insisted on being allowed to correspond with the Foreign Office, and, after a temporary suspension of communications, established its claim to do so in September, 1882. The Porte also complained that the Prince, in opening a session of the Sobranje, had used the expressions: 'Sovereign,' 'throne,' and 'independence.'

[3] This Commission, on which Great Britain was represented by Col. Home and afterwards by General Hamley, met on 21st October, 1878, and completed its task on 24th September, 1879. Parl. Papers, 1879, Turkey, No. 2, 1880; N.R.G. v, 507-701. The Act as to the Roumanian frontier, from Silistria to Mangalia, was signed on 17th December, 1878, the Act as to the frontier towards Eastern Roumelia, from the Black Sea to Cadir Tepe, on 14th August, 1879, and Acts as to the Danubian, Macedonian, and Servian frontiers, together with lists of islands assigned to Roumania and Turkey respectively, on 20th September, 1879.

tria[1], and thence runs to the Black Sea to the south of Mangalia, which is included in Roumanian territory. The Black Sea forms the eastern boundary of Bulgaria. On the south the frontier follows upwards from its mouth the mid-channel of the brook near which are situated the villages of Hodzakiöj, Selam-Kiöj, Aivadsik, Kulibe, Sudzuluk; crosses obliquely the valley of the Deli-Kamcik, passes south of Belibe and Kemhalik and north of Hadzimahale after having crossed the Deli-Kamcik at 2½ kilom. above Cengei; reaches the crest at a point situated between Tekenlik and Aidos-Bredza, and follows it by Karnabad Balkan, Prisevica Balkan, Kazan Balkan to the north of Kotel as far as Demir Kapu. It proceeds by the principal chain of the Great Balkan, the whole length of which it follows up to the summit of Kosica.

There it leaves the crest of the Balkan, descends southwards between the villages of Pirtop and Duzanci, the one being left to Bulgaria and the other to Eastern Roumelia, as far as the brook of Tuzlu Dere, follows that stream to its junction with the Topolnica, then the latter river until it meets the Smovskio Dere near the village of Petricevo, leaving to Eastern Roumelia a zone with a radius of 2 kilom. above that junction, ascends between the brooks of Smovskio Dere and the Kamenica, following the line of the watershed so as to turn to the south-west at the level of Voinjak and reach directly the point 875 of the Austrian Staff map.

The frontier line cuts at right-angles the upper basin of the brook of Ichtiman Dere, passes between Bogdina and Karaúla, so as to rejoin the line of the watershed separating the basins of the Isker and the Marica, between Camurli and Hadzilar,

[1] All the Commissioners, the Russian excepted, decided on fixing this point 800 yards from the outworks of Silistria, where alone in that neighbourhood a bridge could be thrown over the Danube. The Russian Commissioner objected that the Arab Tabia fortress, which commands Silistria, would thus fall within the territory of Roumania. The Roumanians urged in reply that this fortress would be razed, under Art. 52 of the Treaty, and proceeded to occupy it. It was at length agreed that the best position for a bridge should be fixed by a technical commission, which accordingly met on the spot, and after sitting from 27th October to 9th November, 1879, confirmed the previous decision. Parl. Papers, 1880, Turkey, No. 2; N. R. G. vi, 155–224. New difficulties have, however, been raised, and the question remained unsettled in March, 1885.

follows that line by the summits of Velina Mogila, the 'col' 531, Zmailica Vrh, Sumnatica, and rejoins the administrative boundary of the Sandjak of Sofia between Sivri Tas and Cadir Tepe.

From Cadir Tepe, the frontier, taking a south-westerly direction, follows the watershed between the basins of the Mesta Karasu on the one side and the Struma Karasu on the other, runs along the crests of the mountains of Rhodope called Demir Kapu, Iskoftepe, Kadimesar Balkan, and Aiji Gedük up to Kapetnik Balkan, and thus joins the former administrative frontier of the Sandjak of Sofia.

From Kapetnik Balkan the frontier is indicated by the watershed between the valleys of the Rilska reka and of the Bistrica reka, and follows the ridge called Vodenica-Planina, descending into the valley of the Struma at the junction of this river with the Rilska reka, leaving the village of Barakli to Turkey. It ascends then south of the village of Jelesnica, and reaches by the shortest line the chain of Golema Planina at the summit of Gitka, and rejoins there the former administrative frontier of the Sandjak of Sofia, leaving, however, to Turkey the whole of the basin of the Suha reka.

From Mount Gitka the western frontier goes towards Mount Crni Vrh by the mountains of Karvena Jabuka, following the former administrative limit of the Sandjak of Sofia in the upper part of the basins of Egrisu and of the Lepnica, ascends with it the crests of Babina Polana, and reaches Mount Crni Vrh.

From Mount Crni Vrh the frontier follows the watershed between the Struma and the Morava by the summits of the Streser, Vilogolo, and Mesid Planina, rejoins by the Gacina, Crna Trava, Darkovska, and Drainica Plan, then the Descani Kladanec, the watershed of the High Sukowa and of the Morava, goes straight to the Stol, and descends from it so as to cut the road from Sofia to Pirot, 1,000 metres north-west of the village of Segusa. It ascends in a straight line the Vidlic Planina and thence Mount Radocina in the chain of the Kodza Balkan, leaving to Servia the village of Doikinci, and to Bulgaria that of Senakos.

From the summit of Mount Radočina the frontier follows

towards the west the crest of the Balkans by Ciprovec Balkan and Stara Planina up to the former eastern frontier of the Principality of Servia, near to the Kula Smiljova Cuka, and thence that former frontier as far as the Danube, which it rejoins at Rakovitza.

This delimitation shall be fixed on the spot by the European Commission, on which the Signatory Powers shall be represented[1]. It is understood—

1. That this Commission will take into consideration the necessity for His Imperial Majesty the Sultan to be able to defend the Balkan frontiers of Eastern Roumelia.

2. That no fortifications may be erected within a radius of 10 kilom. from Samakow.

Constitution.

ART. III. The Prince of Bulgaria shall be freely elected by the population[2] and confirmed by the Sublime Porte[3], with the assent of the Powers. No member of the Reigning Dynasties of the Great European Powers may be elected Prince of Bulgaria.

In case of a vacancy in the princely dignity, the election of the new Prince shall take place under the same conditions and with the same forms.

ART. IV. *An Assembly of Notables of Bulgaria*[4], *convoked at Tirnovo*[5], *shall, before the election of the Prince, draw up the Organic Law of the Principality*[6].

[1] No other Delimitation Commission is provided for by the Treaty, but in August, 1878, Russia urged the appointment of three such Commissions in Europe and one in Asia. Lord Salisbury thought that the appointment of a Commission for Asia must be postponed, on account of the unsettled state of the country, but concurred in the appointment of Commissions for Bulgaria, Montenegro, and Servia. The regular course would have been that the work of the Commissions should be sanctioned by the Porte and then confirmed by the Powers. The long delay of the Porte to sanction the acts of the Commissions was given as a reason for the delay on the part of the Powers to calculate the amount of the tribute payable by Bulgaria, or the proportion of the Ottoman debt to be borne by the liberated Principalities in respect of newly acquired territory.

[2] Prince Alexander of Battenberg was elected hereditary Prince of Bulgaria by the Assembly on 29th April, 1879, and swore to observe the constitution on 9th July following.

[3] The election was confirmed by a Firman of investiture of 25th July, 1879; N. R. G. 2me Série, v. 506.

[4] The Assembly was elected on 31st December, 1878.

[5] It met there on 26th February, 1879.

[6] This was adopted on 28th April, 1879. It consisted of 170 Articles

In the districts where Bulgarians are intermixed with Turkish, Roumanian, Greek, or other populations, the rights and interests of these populations shall be taken into consideration as regards the elections and the drawing up of the Organic Law.

ART. V. The following points shall form the basis of the public law of Bulgaria:—

The difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship are assured to all persons belonging to Bulgaria, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

Provisional administration.

ART. VI. *The provisional administration of Bulgaria shall be under the direction of an Imperial Russian Commissary until the completion of the Organic Law*[1]. *An Imperial Turkish Commissary, as well as the Consuls delegated* ad hoc *by the other Powers*[2], *signatory of the present Treaty, shall be called to assist him so as to control the working of this provisional* régime. *In case of disagreement amongst the Consular Delegates, the vote of the majority shall be accepted, and in case of a divergence between the majority and the Imperial Russian Commissary or the Imperial Turkish Commissary, the Representatives of the Signatory Powers at Constantinople, assembled in Conference, shall give their decision.*

ART. VII. *The provisional* régime *shall not be prolonged beyond a period of nine months from the exchange of the ratifications of the present Treaty*[3].

(Parl. Papers, 1879, Turkey, No. 8). It was suspended by a Proclamation of 10th May, 1881, ratified on 13th July by a new Assembly, which conferred on the Prince extraordinary powers for seven years, but was reestablished on 19th September, 1883.

[1] By a convention signed on 28th July, 1883, between Bulgaria and Russia, the Principality undertakes to pay the expenses of the occupation, N. R. G. 2me Série, ix, 673.

[2] The British Consul was thus delegated on 30th September, 1878.

[3] The ratifications were exchanged on 3rd August, 1878. The proclamations

When the Organic Law is completed the election of the Prince of Bulgaria shall be proceeded with immediately. As soon as the Prince shall have been installed, the new organization shall be put into force, and the Principality shall enter into the full enjoyment of its autonomy.

Treaties and Foreigners.

ART. VIII. The Treaties of Commerce and of Navigation as well as all the Conventions and arrangements concluded between Foreign Powers and the Porte, and now in force, are maintained in the Principality of Bulgaria, and no change shall be made in them with regard to any Power without its previous consent.

No transit duties shall be levied in Bulgaria on goods passing through that Principality.

The subjects and citizens and commerce of all the Powers shall be treated in the Principality on a footing of strict equality.

The immunities and privileges of foreigners, as well as the rights of Consular jurisdiction and protection as established by the Capitulations and usages, shall remain in full force so long as they shall not have been modified with the consent of the parties concerned [1].

Tribute and Debt.

ART. IX. The amount of the annual tribute which the Principality of Bulgaria shall pay to the Suzerain Court—such amount being paid into whatever bank the Porte may hereafter designate—shall be fixed by an agreement between the Powers Signatory of the present Treaty at the close of the first year of the working of the new organization. This tribute shall be calculated on the mean revenue of the territory of the Principality.

As Bulgaria is to bear a portion of the public debt of the Empire, when the Powers fix the tribute they shall take into consideration what portion of that debt can, on the basis of a fair proportion, be assigned to the Principality [2].

of the Czar to the Bulgarians, of the Principality and of Eastern Roumelia respectively, counselling submission to their new rulers, are dated 11th April, 1879; N, R. G. 2me Série, v, 504.

[1] In May, 1883, German newspapers complained that the Principality was attempting to evade the Capitulations, by claiming jurisdiction over foreigners for the ordinary courts.

[2] The amount of the tribute and of the debt was not fixed as herein provided.

ART. X. Bulgaria takes the place of the Imperial Ottoman Government in its undertakings and obligations towards the Rustchuk-Varna Railway Company, dating from the exchange of the ratifications of the present Treaty. The settlement of the previous accounts is reserved for an understanding between the Sublime Porte, the Government of the Principality, and the administration of this Company[1]. Railways.

The Principality of Bulgaria likewise, so far as it is concerned, takes the place of the Sublime Porte in the engagements which the latter has contracted, as well towards Austria-Hungary as towards the Company, for working the railways of European Turkey in respect to the completion and connection, as well as the working of the railways situated in its territory.

The Conventions necessary for the settlement of these questions shall be concluded between Austria-Hungary, the Porte, Servia, and the Principality of Bulgaria immediately after the conclusion of peace[2].

Till the assent of the Porte had been given to the decisions of the Delimitation Commissioners, the Powers declined to move in the matter; but this having been given in August, 1881, a Conference upon the subject was held at Constantinople on 17th September following, but adjourned in consequence of a representation from the Russian delegate, to the effect that the total amount of the Ottoman debt had not yet been ascertained by the financial Commission recommended by the 18th Protocol of the Congress. Turkey having on 20th December arranged with her creditors, the Conference reassembled in the spring of 1882, when further difficulties were raised with reference to the war indemnity, as security for which Russia wished the Bulgarian tribute to be assigned to her. The indemnity question was, however, otherwise settled by the Convention of 14th May, 1882 (q. v. Appendix, No. II).

[1] Bulgaria has repudiated any liability for arrears due by the Porte to the Rustchuk-Varna Railway Company, but was urged to submit the interpretation of this Article to the signatory Powers. (See Correspondence 1878-84 in Parl. Papers, 1884, Commercial, No. 13.) The negotiation has continued, and a Convention was concluded with the Company, which was, however, rejected by the Assembly on 12th February, 1885.

[2] Cf. Art. 38. A Railway Convention between Austria and Servia was signed on 8th July, 1878; N. R. G. 2me Série, viii, 319: varied by another, signed on 9th April, 1880, ibid. vi, 366. A *Conférence à Quatre* of the governments mentioned in this Article sat at Vienna during the first half of 1881, but broke up on 20th June, without having obtained the assent of the Porte to the arrangement to which the others had agreed. Its sittings were resumed, and a Convention was signed on 9th May, 1883, and ratified by the four governments on 23rd October; N. R. G. 2me Série, ix, 720. Under this Convention the lines connecting Belgrade with Constantinople and

Evacuation, Fortresses, War-material.

ART. XI. *The Ottoman army shall no longer remain in Bulgaria;* all the old fortresses shall be razed at the expense of the Principality within one year, or sooner if possible; the local Government shall immediately take steps for their demolition [1], and shall not construct fresh ones.

The Sublime Porte shall have the right of disposing as it likes of the war-material and other effects belonging to the Ottoman Government which may have remained in the fortresses of the Danube already evacuated in virtue of the Armistice of the 31st January, as well as of those in the strongholds of Shumla and Varna.

Real property held by Mussulmans.

ART. XII. Mussulman proprietors or others who may take up their abode outside the Principality may continue to hold there their real property, by farming it out, or having it administered by third parties [2].

Vakoufs.

A Turco-Bulgarian Commission shall be appointed to settle, within a period of two years, all questions relative to the mode of alienation, working, or use on the account of the Sublime Porte, of property belonging to the State and religious foundations (vakoufs), as well as of the questions regarding the interests of private persons engaged therein.

Bulgarians.

Persons belonging to the Principality of Bulgaria, who shall travel or dwell in the other parts of the Ottoman Empire, shall be subject to the Ottoman authorities and laws.

Salonica are to be completed by 15th October, 1886. Delays have been occasioned in the commencement of these lines by difficulties as to the junctions (decided, with reference to a junction near Pirot, in May, 1884, and to one near Vrauja in January, 1885), and also by disputes between the Porte and Baron Hirsch, as representing the E. Railway Company. In January, 1885, the Porte agreed with the Ottoman Bank and the Comptoir d'escompte for the formation of a Turkish Company to unite the Turkish and Servian lines by the date fixed.

[1] On the delay which has taken place in carrying out this provision, see Parl. Papers, 1881, Turkey No. 4, pp. 18, 63.

[2] In 1883 there were discussions between the Porte and the Bulgarian Government, the former maintaining that the property of Mussulmans in Bulgaria was protected by this Article, though not claimed within three years, a circumstance which in Turkey would bar a claim to land. In January, 1885, the Porte addressed the Powers on the illegal sequestration by the Bulgarian Government of the property of Turkish subjects.

Eastern Roumelia, 13–22[1].

Art. XIII. A province is formed south of the Balkans which will take the name of 'Eastern Roumelia,' and will remain under the direct political and military authority of His Imperial Majesty the Sultan, under conditions of administrative autonomy[2]. It shall have a Christian Governor-General. Administrative autonomy.

Art. XIV. Eastern Roumelia is bounded on the north and north-west by Bulgaria, and comprises the territories included by the following line:— Delimitation.

Starting from the Black Sea the frontier follows upwards from its mouth the mid-channel of the brook near which are situated the villages of Hodzakiöj, Selam-Kiöj, Aivadsik, Kulibe, Sudzuluk, crosses obliquely the Valley of the Deli-Kamcik, passes south of Belibe and Kemhalik, and north of Hadzimahale, after having crossed the Deli-Kamcik at 2½ kilom. above Cengei; reaches the crest at a point situated between Tekenlik and Aidos-Bredza, and follows it by Karnabad Balkan, Prisevica Balkan, Kazan Balkan to the north of Kotel as far as Demir Kapu. It proceeds by the principal chain of the Great Balkan, the whole length of which it follows up to the summit of Kosica.

At this point the western frontier of Roumelia leaves the crest of the Balkan, descends southwards between the villages of Pirtop and Duzanci, the one being left to Bulgaria and the other to Eastern Roumelia, as far as the brook of Tuzlu Dere, follows that stream to its junction with the Topolnica, then the latter river until it meets the Smovskio Dere near the village of Petricevo, leaving to Eastern Roumelia a zone with a radius of 2 kilom. above that junction, ascends between the brooks of Smovskio Dere and the Kamenica, following the line of the watershed so as to turn to the south-west at the level of Voinjak and reach directly the point 875 of the Austrian Staff map.

The frontier line cuts at right angles the upper basin of

[1] Cf. supra, p. 238.

[2] Such a division of Bulgaria had been proposed in 1876, at the Conference of Constantinople. Parl. Papers, 1877, Turkey, No. 2, p. 83; No. 14, p. 194.

the brook of Ichtiman Dere, passes between Bogdina and Karaúla, so as to rejoin the line of the watershed separating the basins of the Isker and the Marica, between Camurli and Hadzilar, follows that line by the summits of Velina Mogila, the 'col' 531, Zmailica Vrh, Sumnatica, and rejoins the administrative boundary of the Sandjak of Sofia between Sivri Tas and Cadir Tepe.

The frontier of Roumelia leaves that of Bulgaria at Mount Cadir Tepe, following the line of the watershed between the basins of the Marica and of its affluents on one side, and of the Mesta Karasu and of its affluents on the other, and takes the direction south-east and then south along the crest of the Despoto Dagh Mountains, towards Mount Kruschowa (whence starts the frontier line of the Treaty of San Stefano).

From Mount Kruschowa the frontier is the same as the line laid down by the Treaty of San Stefano, that is to say, the chain of the Black Balkans (Kara Balkan), the mountains Kulaghy-Dagh, Eschek-Tschepellü, Karakolas, and Ischiklar, from whence it descends due south-east till it reaches the River Arda, and follows the mid-channel of this river up to a point close to the village of Adacali, which remains to Turkey.

From this point the frontier line ascends the crest of the Bestepe-Dagh, which it follows, then descends and crosses the Maritza, at a point situated 5 kilom. above the bridge of Mustafa Pasha: thence it takes a northerly direction by the line of the watershed between Demirhanli Dere and the small affluents of the Maritza to Küdeler Baïr, whence it runs east to Sakar Baïr; from this point it crosses the valley of the Tundza in the direction of Büjük Derbend, which is left to the north, as also is Soudzak. From Büjük Derbend it regains the line of the watershed between the affluents of the Tunzda on the north and those of the Maritza on the south, up to the level of Kaibilar, which is included in Eastern Roumelia, and passes to the south of V. Almali between the basin of the Maritza to the south and the various streams which flow straight into the Black Sea, between the villages of Belevrin and Alatli; it follows to the north of Karanlik the crests of Vosna and Zuvak, the line which separates the waters of the

Duka and those of the Karagac-Su, and rejoins the Black Sea between those two rivers[1].

ART. XV. His Majesty the Sultan shall have the right of providing for the defence of the land and sea frontiers of the province by erecting fortifications on those frontiers, and maintaining troops there[2]. Turkish fortifications.

Internal order is maintained in Eastern Roumelia by a native gendarmerie assisted by a local militia. Militia.

In forming these corps, the officers of which are nominated by the Sultan, regard shall be paid in the different localities to the religion of the inhabitants.

His Imperial Majesty the Sultan undertakes not to employ irregular troops, such as Bashi-Bazouks and Circassians, in the garrisons of the frontiers. The regular troops detailed for this service must not in any case be billetted on the inhabitants. When they pass through the province they shall not make a stay there.

ART. XVI. The Governor-General shall have the right of summoning the Ottoman troops in the event of the internal or external security of the province being threatened. In such an eventuality the Sublime Porte shall inform the Representatives of the Powers at Constantinople of such a decision, as well as of the exigencies which justify it. Turkish troops.

ART. XVII. The Governor-General of Eastern Roumelia shall be nominated by the Sublime Porte, with the assent of the Powers, for a term of five years[3]. Governor-General.

ART. XVIII. *Immediately after the exchange of the ratifications of the present Treaty, a European Commission shall be formed to arrange, in concert with the Ottoman Porte, the organi-* Constitution.

[1] At the first meeting of the Delimitation Commissioners for Bulgaria, certain of its members separated themselves from it to form a Delimitation Commission for the Southern frontier of Eastern Roumelia. It sat, with much interruption, from 28th October, 1878, to 25th October, 1879. Major Gordon was the British Commissioner. Parl. Papers, 1879, Turkey, No. 2, and 1880, Turkey, No. 2; N. R. G. 2me Série, v, 254–350.

[2] The Sultan declared his intention of not at present garrisoning the Balkans.

[3] Prince Vogorides, a Bulgarian Christian, known as Aleko Pasha, was accordingly appointed by a Firman of 17th May, 1879, Parl. Papers, 1879, Turkey, No. 9; N. R. G. 2me Série, v, 250. He was succeeded, in May, 1884, by Gabriel Pasha Crestovitch.

zation of Eastern Roumelia[1]. *This Commission will have to determine, within three months*[2], *the powers and functions of the Governor-General, as well as the administrative, judicial, and financial system of the province, taking as its basis the various laws for the vilayets and the proposals made in the eighth sitting of the Conference of Constantinople.*

The whole of the arrangements determined on for Eastern Roumelia shall form the subject of an Imperial Firman, which will be issued by the Sublime Porte, and which it will communicate to the Powers[3].

Provincial administration.

ART. XIX. *The European Commission shall be charged to administer, in concert with the Sublime Porte, the finances of the province until the completion of the new organization*[4].

Treaties, and privileges of foreigners.

ART. XX. The Treaties, Conventions, and international arrangements of any kind whatsoever, concluded or to be concluded between the Porte and foreign Powers, shall apply in Eastern Roumelia as in the whole Ottoman Empire. The immunities and privileges acquired by foreigners, whatever their status, shall be respected in this province. The Sublime Porte undertakes to enforce there the general laws of the Empire on religious liberty in favour of all forms of worship[5].

Railways.

ART. XXI. The rights and obligations of the Sublime Porte with regard to the railways of Eastern Roumelia are maintained in their integrity.

Evacuation.

ART. XXII. *The strength of the Russian corps of occupation in Bulgaria and Eastern Roumelia, which shall be composed of*

[1] Sir H. D. Wolff and Lord Donoughmore were appointed as the British members of the Commission in August, 1878.

[2] The work actually took nine months.

[3] The Organic Statute was signed by the representatives of all the Powers on 26th April, 1879, and was confirmed by a Firman of 17th May. Parl. Papers, 1879, Turkey, No. 9; N. R. G. v, 250. By this Statute the revenue of the Province is estimated at £T.800,000, of which $\frac{3}{10}$, or £T.240,000 was assigned as Tribute to the Porte, and by it assigned to the bondholders on 20th December, 1881. The whole revenue however amounting annually only to £T.600,000, the Assembly, on 20th December, 1882, passed a law valuing the revenue accordingly for five years, and reducing the tribute during that period to £T.180,000. The Porte in 1883 and 1884 refused to sanction budgets framed on these reduced estimates, but early in 1885 seemed inclined to agree to them.

[4] This was done by a financial sub-committee.

[5] Cf. infra, Art. 62.

six divisions of infantry and two divisions of cavalry, shall not exceed 50,000 men. It shall be maintained at the expense of the country occupied[1]. *The army of occupation will preserve its communications with Russia not only through Roumania, in accordance with arrangements to be concluded between the two States, but also through the ports of the Black Sea, Varna and Bourgas, where it may, during the period of occupation, organize the necessary depôts.*

The period of the occupation of Eastern Roumelia and Bulgaria by the Imperial Russian troops is fixed at nine months from the date of the exchange of the ratifications of the present Treaty[2].

The Imperial Russian Government undertakes that within a further period of three months the passage of its troops across Roumania shall cease, and that Principality shall be completely evacuated[3].

CRETE, ETC.

ART. XXIII. The Sublime Porte undertakes scrupulously to apply to the Island of Crete the Organic Law of 1868, with such modifications as may be considered equitable[4]. Crete, &c.

Similar laws adapted to local requirements, excepting as regards the exemption from taxation granted to Crete[5], shall also be introduced into the other parts of Turkey in Europe for which no special organization has been provided by the present Treaty.

The Sublime Porte shall depute special Commissions, in which the native element shall be largely represented, to settle the details of the new laws in each province.

[1] In March, 1882, the Russian representative claimed 23,000,000 fr. as the expense of nine months' occupation of Eastern Roumelia. A Convention with Russia, as to the cost of the occupation of Bulgaria, was ratified by the Assembly of the Principality on 8th October, 1883.

[2] This was explained by Lord Salisbury to mean that the occupation with 50,000 men should cease on 3rd May, 1879. The evacuation actually began about that date, and was complete by 1st August.

[3] It was stated by Lord Salisbury that on 14th August, 1879, no Russian soldier remained south of the Pruth. The necessity for a joint occupation of Eastern Roumelia, after the departure of the Russians, was discussed, but it was decided to prolong the powers of the Commission for a year.

[4] Cf. supra, p. 73; for the law of 1868, p. 77; and for the Firman issued in November, 1878, in pursuance of this Article, p. 83.

[5] Supra, p. 81.

The schemes of organization resulting from these labours shall be submitted for examination to the Sublime Porte, which, before promulgating the Acts for putting them into force, shall consult the European Commission instituted for Eastern Roumelia[1].

Greece.

Art. XXIV. *In the event of the Sublime Porte and Greece being unable to agree upon the rectification of frontier suggested in the 13th Protocol of the Congress of Berlin*[2], *Germany, Austria-Hungary, France, Great Britain, Italy, and Russia reserve to themselves to offer their mediation to the two parties to facilitate negotiations*[3].

Bosnia and Herzegovina.

Art. XXV. The provinces of Bosnia and Herzegovina shall be occupied and administered by Austria-Hungary[4]. The Government of Austria-Hungary, not desiring to undertake the administration of the Sandjak of Novi-Bazar, which extends between Servia and Montenegro in a south-easterly direction to the other side of Mitrovitza, the Ottoman Administration will continue to exercise its functions there. Nevertheless, in order to assure the maintenance of the new

[1] The appointment of these special Commissions was urged by Sir A. H. Layard, in a *note verbale* of 27th June, 1879. Ultimately, instead of appointing them, the Porte drew up a draft organic law, following substantially the Statute for Eastern Roumelia, and sent it to be examined at Adrianople, Salonica, &c., with a view to its adaptation to local requirements. It then, in April, 1880, invited the Powers to reassemble the Eastern Roumelia Commission for the examination of the drafts as thus modified. The Commission, on which Lord Edmond Fitzmaurice was now the British representative, met accordingly, and by its final act, signed on 23rd August, 1880, approved the drafts, and adjourned *sine die*. It also recommended to the Porte, as suitable for the government of Albania, a scheme prepared by the Commissioners of Austria and France. Parl. Papers, 1880, Turkey, No. 16.

[2] Q. v. supra, p. 25.

[3] Supra, pp. 25–27, 60–69.

[4] The Austrians issued a Proclamation on 28th July, 1878 (N. R. G. 2me Série, iii, 467). On the following day their troops crossed the Save into Bosnia, and a few days later entered Herzegovina from Dalmatia. Resistance collapsed towards the end of September. A law including these provinces in the Austrian customs-union was passed on 20th December, 1879.

political state of affairs, as well as freedom and security of communications, Austria-Hungary reserves the right of keeping garrisons and having military and commercial roads in the whole of this part of the ancient Vilayet of Bosnia. To this end the Governments of Austria-Hungary and Turkey reserve to themselves to come to an understanding on the details[1].

Montenegro, 26–38[2].

Art. XXVI. The independence of Montenegro is recognized by the Sublime Porte and by all those of the High Contracting Parties who had not hitherto admitted it[3]. Independence.

Art. XXVII. The High Contracting Parties are agreed on the following conditions:— Conditions.

In Montenegro the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to Montenegro, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs[4].

Art. XXVIII. The new frontiers of Montenegro are fixed as follows:— Delimitation.

[1] A Convention was accordingly signed on 21st April, 1879, by which Austria is to give notice before sending troops to Novi-bazar. Their presence there is not to interfere with the Ottoman administration, or with the simultaneous presence there of Ottoman troops. By an Annexe, Austria states her intention for the present only to place troops at three points, 4000 or 5000 in all. Should she wish to send more, she will act under Art. 7 (N. R. G. 2me Série, iv, 423; see also Appendix, No. IV). In September, 1879, the Austrians occupied the Sandjak of Novi-bazar, causing a violent outbreak in the Russian press, which however subsided when Prince Bismarck paid a visit to Vienna.

[2] Cf. supra, p. 237.

[3] I. e. by England and Turkey, cf. supra, p. 238.

[4] Religious differences are unimportant in Montenegro, where there are few Catholics and no Jews.

Starting at Ilino-brdo to the north of Klobuk, the line descends to the Trebinjcica towards Grancarevo, which remains to Herzegovina, then ascends the course of that river up to a point 1 kilom. below its confluence with the Cepelica, and from thence passes by the most direct line on to the heights which border the River Trebinjcica. It then proceeds in the direction of Pilatova, leaving that village to Montenegro, and continues along the heights in a northerly direction, maintaining as far as possible a distance of 6 kilom. from the Bilek-Korito-Gacko road, up to the 'col' between the Somina Planina and Mount Curilo, whence it proceeds in an easterly direction by Vratkovici, leaving this village to Herzegovina, up to Mount Orline. Starting from this point the frontier, leaving Ravno to Montenegro, goes straight to the north-north-east, crossing the summits of the Lebersnik and of the Volujak, then descends by the shortest line on to the River Piva, which it crosses, and rejoins the river Tara, passing between Crkvica and Nedvina. From this point it ascends the Tara to Mojkovac, from which place it passes along the crest of the ridge as far as Siskojezero. Leaving this point, it coincides with the former frontier as far as the village of Sekulare. From there the new frontier passes along the crests of the Mokra Planina, the village of Mokra remaining to Montenegro; it then reaches the point 2166 on the Austrian Staff Map, following the principal chain and the line of the watershed between the Lim on the one side, and the Drin as well as the Cievna (Zem) on the other.

It then coincides with the existing boundaries between the tribe of the Kuci-Drekalovici on one side, and the Kucka-Krajna, as well as the tribes of the Klementi and Grudi, on the other, to the plain of Podgorica, from whence it proceeds towards Plavnica, leaving the Klementi, Grudi, and Hoti tribes to Albania.

Thence the new frontier crosses the lake near the Islet of Gorica-Topal, and, from Gorica-Topal, takes a straight line to the top of the crest, whence it follows the watershed between Megured and Kalimed, leaving Mrkovic to Montenegro, and reaching the Adriatic at V. Kruci.

On the north-west the frontier will be formed by a line

passing from the coast between the villages of Susana and Zubci, and terminating at the extreme south-east point of the existing frontier of Montenegro on the Vrsuta Planina[1].

ART. XXIX. Antivari and its sea-board are annexed to Montenegro under the following conditions:— Antivari annexed on conditions.

The districts situated to the south of that territory, in accordance with the delimitation above laid down, as far as the Boyana, including Dulcinjo, shall be restored to Turkey[2].

The Commune of Spica, as far as the southernmost part of the territory indicated in the detailed description of the frontiers, shall be incorporated with Dalmatia[3].

Montenegro shall have full and complete freedom of navigation on the Boyana. No fortifications shall be constructed on

[1] The frontier had been agreed upon in principle during the sittings of the Congress by the Austrian and Russian Commissioners (cf. Prot. 12), but details remained to be settled by the Delimitation Commission for Montenegro, on which Capt. Sale was the British representative. It met on 30th April, 1879, but in the face of a protest from the Albanian league, and the practical difficulties of fixing a satisfactory frontier between Gusinje Plava and the plain of Podgoritza, gave up the attempt to carry out the Treaty in this respect, and separated for the winter on 8th September, after having suggested to the Porte an exchange of Kuci Kraina for the Mussulman part of Gusinje Plava. (Parl. Papers, 1880, Turkey, No. 2; N. R. G. 2me Série, v, pp. 351-484). The proposed substitution, known as 'the Corti compromise,' was embodied in a Convention between the Porte and Montenegro, of 12th April, 1880, which was sanctioned by the Powers in a Protocol signed on 18th April. (Parl. Papers, 1880, Turkey, No. 2, 1881, Turkey, No. 1; N. R. G. 2me Série, v, pp. 701, 703). The arrangement failed, in consequence of the Turkish commander not giving due notice of his intention to evacuate the forts on the Podgoritza plain, which thus fell into the hands of the Albanians. The British Consul at Scutari then suggested that Dulcigno should be handed over to Montenegro instead of Kuci Kraina. This proposal, having been accepted by Montenegro, was submitted to the Porte, on 18th August, 1880, and accepted by it, but it was not till 27th November that the place was given up, and then only under the pressure of a naval demonstration of the combined fleets, which took place from 14th September to 5th December. There then remained to be settled only the line of frontier east of the lake of Scutari, but the efforts of the Commissioners of Montenegro and Turkey to accomplish this have been impeded by the resistance of the Albanian tribes. At last, on 29th December, 1884, a Convention was signed at Constantinople, on behalf of Turkey and Montenegro, for delimitation and final settlement to the following effect: The line is drawn from Dulcigno to Planinitza, thence crossing Tomookamen it extends to Mount Golesh, thence to Mokravelika, following the limits of the Christian villages ceded to Montenegro, and afterwards the line traced by Count Corti.

[2] See note to Art. 28.

[3] Spizza, which dominates the port of Antivari, was incorporated into the Austrian Empire by a law of 15th April, 1879.

the course of that river except such as may be necessary for the local defence of the stronghold of Scutari, and they shall not extend beyond a distance of 6 kilom. from that town.

Montenegro shall have neither ships of war nor flag of war.

The port of Antivari and all the waters of Montenegro shall remain closed to the ships of war of all nations.

The fortifications situated on Montenegrin territory between the lake and the coast shall be razed, and none shall be rebuilt within this zone.

The administration of the maritime and sanitary police, both at Antivari and along the coast of Montenegro, shall be carried out by Austria-Hungary by means of light coast-guard boats.

Montenegro shall adopt the maritime code in force in Dalmatia. On her side Austria-Hungary undertakes to grant Consular protection to the Montenegrin merchant flag.

Montenegro shall come to an understanding with Austria-Hungary on the right to construct and keep up across the new Montenegrin territory a road and a railway.

Absolute freedom of communication shall be guaranteed on these roads.

Mussulman property.

ART. XXX. Mussulmans or others possessing property in the territories annexed to Montenegro, who may wish to take up their residence outside the Principality, can retain their real property either by farming it out, or by having it administered by third parties.

No one shall be liable to be expropriated otherwise than by legal process for the public welfare, and with a previous indemnity.

A Turco-Montenegrin Commission shall be appointed to settle, within a period of three years, all questions relative to the mode of alienation, working, or use, on the account of the Sublime Porte, of property belonging to the State and religious foundations (Vakoufs), as well as of the questions regarding the interests of private parties engaged therein[1].

Agents at Constantinople.

ART. XXXI. The Principality of Montenegro shall come to a direct understanding with the Ottoman Porte with regard

[1] Non-compliance with this provision was given by the Porte in March, 1884, as its reason for delaying the settlement of the frontier question.

to the establishment of Montenegrin agents at Constantinople, and at certain places in the Ottoman Empire where the necessity for them shall be admitted.

Montenegrins travelling or residing in the Ottoman Empire shall be subject to the Ottoman laws and authorities, according to the general principles of international law and the customs established with regard to Montenegrins. Montenegrins in the Ottoman Empire.

ART. XXXII. *The Montenegrin troops shall be bound to evacuate within twenty days from the date of the ratification of the present Treaty, or sooner if possible, the territory that they occupy at present beyond the new limits of the Principality.* Evacuation.

The Ottoman troops shall evacuate the territories ceded to Montenegro within the same period of twenty days. A supplementary period of fifteen days shall, however, be granted to them, as well for evacuating the fortresses and withdrawing the stores and material of war from them, as for drawing up inventories of the implements and articles which cannot be immediately removed[1].

ART. XXXIII. As Montenegro is to bear a portion of the Ottoman public debt for the new territories assigned to her by the Treaty of Peace, the Representatives of the Powers at Constantinople shall determine the amount of the same in concert with the Sublime Porte on an equitable basis[2]. Debt.

SERVIA, 34–42[3].

ART. XXXIV. The High Contracting Parties recognize the independence of the Principality of Servia[4], subject to the conditions set forth in the following Article. Independence.

ART. XXXV. In Servia the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public Conditions.

[1] See an arrangement, which was however not acted on, N. R. G. 2me Série. v, 469.

[2] See note to Art. 9.

[3] Supra, p. 236; cf. Treaty of Paris, Arts. 28, 29.

[4] Servia proclaimed its independence on 21st August, 1878. A British Minister was accredited to it on 3rd March, 1879. On 6th March, 1882, the Prince, on the invitation of the Skuptschina, accepted the title of King, N. R. G. 2me, Série, ix, 231.

employments, functions, and honours, or the exercise of the various professions and industries, in any locality whatsoever.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to Servia, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

Delimitation.

ART. XXXVI. Servia receives the territories included in the following delimitation:—

The new frontier follows the existing line ascending the mid-channel of the Drina from its confluence with the Save, leaving Mali Zwornik and Sakhar to the Principality, and continues to follow the former boundary of Servia as far as the Kopaonik, leaving it at the summit of the Kanilug. From that point it follows at first the western boundary of the Sandjak of Nisch by the southern spur of the Kopaonik, by the crests of the Marica and Mrdar Planina, which form the watershed between the basins of the Ibar and Sitnica on one side, and that of the Toplica on the other, leaving Prepolac to Turkey.

It then turns to the south by the watershed between the Brvenica and the Medvedja, leaving the whole of the basin of the Medvedja to Servia; follows the crests of the Goljak Planina (which forms the watershed between the Kriva-Rjeka on one side and the Poljanica, Veternica, and Morawa on the other), as far as the summit of the Poljanica. It then follows the spur of the Karpina Planina as far as the confluence of the Koinska and the Morawa, crosses this river, and ascends by the watershed between the Koinska brook and the stream which falls into the Morawa near Neradovce, to reach the Sv. Ilija Planina above Trgoviste. Thence it follows the crest of the Sv. Ilija as far as Mount Kljuc, and passing by the points marked 1516 and 1547 on the map, and by the Babina Gora, it reaches Mount Crni-Vrh.

From Mount Crni-Vrh, the new delimitation coincides with that of Bulgaria, that is to say:—

The line of frontier follows the watershed between the Struma and the Morava by the summits of Streser, Vilogolo, and Mesid Planina, rejoins by the Gacina, Crna Trava, Dar-

kovska, and Drainica Plan, then the Descani Kladanec, the watershed of the High Sukowa and of the Morava, goes straight to the Stol, and descends from it so as to cut the road from Sofia to Pirot, 1,000 metres north-west of the village of Segusa. It ascends in a straight line the Vidlic Planina, and thence Mount Radocina in the chain of the Kodza Balkan, leaving to Servia the village of Doikinci, and to Bulgaria that of Senakos.

From the summit of Mount Radocina the frontier follows towards the north-west, the crest of the Balkans by Ciprovec Balkan and Stara Planina up to the former eastern frontier of the Principality of Servia, near to the Kula Smiljova cuka, and thence that former frontier as far as the Danube, which it joins at Rakovitza[1].

Treaties. ART. XXXVII. Until the conclusion of fresh arrangements no change shall be made in Servia in the actual conditions of the commercial intercourse of the Principality with foreign countries[2].

Dues. No transit duties shall be levied on goods passing through Servia.

Foreigners. The immunities and privileges of foreign subjects, as well as the rights of Consular jurisdiction and protection, as at present existing, shall remain in full force so long as they shall not have been modified by mutual consent between the Principality and the Powers concerned[3].

Railways. ART. XXXVIII. The Principality of Servia takes the place,

[1] The Delimitation Commission for Servia, on which Great Britain was represented by Major Wilson, and afterwards by Capt. Anderson, assisted by Lieut. Ross of Bladensburg, sat from 22nd October, 1878, till it adjourned for the winter, and again from 9th May to 19th August, 1879. Its tracing of the frontier between Servia and Bulgaria was adopted by the Bulgarian Delimitation Commission. Parl. Papers, 1880, Turkey, No. 2; N. R. G. 2me Série, vi, 267–354. Differences which arose in 1884 between Servia and Bulgaria with reference to territory near Bregovo were considered by representatives of Germany, Austria, and Russia, who recommended the cession of the place to Bulgaria in return for other territory or a money compensation.

[2] A Treaty of Commerce with Servia was made by Great Britain on 7th February, 1880. Parl. Papers, 1880, Commercial, No. 27; N. R. G. 2me Série, vi, 459: by Austria on 6th May, 1881.

[3] Italy made a Consular Convention with Servia on 28th October, and an Extradition Treaty on 9th November, 1879. N. R. G. 2me Série, vi, 644–655. Russia relinquished her rights of Consular jurisdiction by a notification of 13th May, 1868.

so far as it is concerned, of the Sublime Porte in the engagements which the latter has contracted as well towards Austria-Hungary as towards the Company for the working of the railways of Turkey in Europe, in respect to the completion and connection, as well as the working of the railways to be constructed on the territory newly acquired by the Principality [1].

The Conventions necessary for settling these questions shall be concluded, immediately after the signature of the present Treaty, between Austria-Hungary, the Porte, Servia, and, within the limits of its competency, the Principality of Bulgaria [2].

Mussulman property.

ART. XXXIX. Mussulmans possessing property in the territories annexed to Servia, who may wish to reside outside the Principality, may retain their real property, either by farming it out or by having it administered by third parties.

Vakoufs.

A Turco-Servian Commission shall be appointed to settle, within a period of three years, all questions relative to the mode of alienation, working, or use, on the account of the Sublime Porte, of the property belonging to the State and religious foundations (Vakoufs), as well as of the questions regarding the interests of private persons engaged therein.

Servians in the Ottoman Empire.

ART. XL. Until the conclusion of a Treaty between Turkey and Servia, Servian subjects travelling or residing in the Ottoman Empire shall be treated according to the general principles of international law.

Evacuation.

ART. XLI. *The Servian troops shall be bound to evacuate, within fifteen days from the exchange of the ratifications of the present Treaty the territory not comprised within the new limits of the Principality.*

The Ottoman troops shall evacuate the territories ceded to Servia within the same period of fifteen days. A supplementary term of an equal number of days shall, however, be granted to them as well for evacuating the fortresses and withdrawing the provisions and material of war as for drawing up the inventory of the implements and objects which cannot be removed at once.

[1] By an interchange of notes between Austria and the Porte in 1875, the latter had undertaken to connect its railways with the Austrian system.

[2] Cf. supra, p. 285.

ART. XLII. As Servia is to bear a portion of the Ottoman Public Debt for the new territories assigned to her by the present Treaty, the Representatives at Constantinople shall fix the amount of it in concert with the Sublime Porte on an equitable basis. Debt.

ROUMANIA, 43–51[1].

ART. XLIII. The High Contracting Parties recognize the independence of Roumania[2], subject to the conditions set forth in the two following Articles. Independence.

ART. XLIV. In Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever. Conditions; religion.

The freedom and outward exercise of all forms of worship shall be assured to all persons belonging to the Roumanian State, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

The subjects and citizens of all the Powers, traders or others, shall be treated in Roumania, without distinction of creed, on a footing of perfect equality[3].

[1] Cf. supra, p. 233; Treaty of Paris, Arts. 22-27; Treaty of 19th June, 1857.

[2] Cf. supra, p. 236. Roumania had proclaimed its independence on 22nd May, 1877. The Prince assumed the title of Royal Highness in September, 1878, and of King on 26th March, 1881. He was crowned on 22nd May, 1881.

[3] In August, 1879, the Powers had nearly agreed to employ coercion to obtain the performance of these conditions (on the stringent nature of which, see Tanoviceano, La Question Juive en Roumanie, 1882), but the Chambers having in November repealed Art. 7 of the Constitution of 1866 (Lég. Ottom. ii. 96) which excluded non-Christians from naturalisation, identical notes were presented, on 20th February, 1880, to the Roumanian Minister for Foreign Affairs by the agents of Germany, France, and Great Britain, announcing the intention of their Governments to enter into diplomatic relations with the country. Austria, Italy, and Russia had previously taken this step. The large number of Jews in Roumania (400,000, it is said, in a total population of 4,500,000) has however continued to give rise to difficulties. Individual naturalisation is required before full political rights can be acquired, and foreigners are incapable of holding land.

Bessarabia

ART. XLV. The Principality of Roumania restores to His Majesty the Emperor of Russia that portion of the Bessarabian territory detached from Russia by the Treaty of Paris of 1856, bounded on the west by the mid-channel of the Pruth, and on the south by the mid-channel of the Kilia branch and the Stary-Stamboul mouth[1].

Islands.

ART. XLVI. The islands forming the Delta of the Danube, as well as the Isle of Serpents, the Sandjak of Toultcha, comprising the districts (cazas) of Kilia, Soulina Mahmoudié, Isaktcha, Toultcha, Matchin, Babadagh, Hirsovo, Kustendje, Medjidié, are added to Roumania[2]. The Principality receives in addition the territory situated to the south of the Dobroutcha as far as a line starting from the east of Silistria and terminating on the Black Sea, south of Mangalia.

Dobroutcha.

The frontier line shall be determined on the spot by the European Commission appointed for the delimitation of Bulgaria[3].

Waters.

ART. XLVII. The question of the division of the waters and the fisheries shall be submitted to the arbitration of the European Commission of the Danube.

Dues.

ART. XLVIII. No transit duties shall be levied in Roumania on goods passing through the Principality.

Foreigners.

ART. XLIX. Roumania shall have power to make Conventions to determine the privileges and attributes of Consuls in regard to protection within the Principality. Existing rights shall remain in force so long as they shall not have been modified by the mutual consent of the Principality and the parties concerned[4].

Roumanians in the Ottoman Empire.

ART. L. Until the conclusion of a Treaty between Turkey and Roumania, fixing the privileges and attributes of Consuls, Roumanian subjects travelling or residing in the Ottoman Empire, and Ottoman subjects travelling or residing in

[1] The retrocession having been voted by the Roumanian Chambers, the Russian Commissioners entered Bessarabia on 13th October, 1878.

[2] The Roumanian troops entered the Dobroutcha from Ibraila on 26th November, 1878.

[3] Cf. note to Art. 2, supra, p. 280.

[4] Russia had partially relinquished her rights of Consular jurisdiction in Roumania on 29th November, 1869. A Treaty of Commerce was made with Roumania by Great Britain on 5th April, 1880, N. R. G. 2me Série, 451.

Roumania, shall enjoy the rights guaranteed to the subjects of other European Powers.

ART. LI. With regard to public works and other enterprises of a like nature, Roumania shall be substituted for the Sublime Porte as regards its rights and obligations throughout the ceded territory[1]. Public works.

THE NAVIGATION OF THE DANUBE, 52–57[2].

ART. LII. In order to increase the guarantees which assure the freedom of navigation on the Danube which is recognized as of European interest, the High Contracting parties determine that all the fortresses and fortifications existing on the course of the river from the Iron Gates to its mouths shall be razed[3], and no new ones erected. No vessel of war shall navigate the Danube below the Iron Gates with the exception of vessels of light tonnage in the service of the river police and Customs[4]. The 'stationnaires' of the Powers at the mouths of the Danube may, however, ascend the river as far as Galatz. Fortresses to be razed.

ART. LIII. The European Commission of the Danube, on which Roumania shall be represented, is maintained in its functions, and shall exercise them henceforth as far as *Galatz*[5] in complete independence of the territorial authorities. All the Treaties, arrangements, acts, and decisions relating to its rights, privileges, prerogatives, and obligations[6] are confirmed. The European to include Roumania and extend to Galatz.

[1] Cf. e.g. Art. 4 of Treaty of 1857, Arts. 4, 5 of Danube Act, 1865.

[2] Cf. supra, p. 227; Arts. 15–19 of the Treaty of Paris; Arts. 2–5 of the Treaty of 19th June, 1857; the Navigation Act of 1865; Arts. 4–7 of the Treaty of London of 1871; the Additional Act of 1881; the Treaty of London of 1883.

[3] This does not seem to have been accomplished, although some fortresses have been dismantled, but much complaint has been made of the delay which has taken place in carrying out the directions of this Article.

[4] N.B. The right reserved for Turkey in Art. 7 of the Treaty of London is here abrogated.

[5] By the Treaty of London of 1883, as far as Ibraila.

[6] Viz. except as modified, the Treaty of Paris, Arts. 15–19; the Treaty of 19th June, 1857, Arts. 2–5; the Protocol of 28th March, 1866, confirming the Navigation Act of 2nd November, 1865; the Treaty of London of 1871, Arts. 4–7. Cf. Art. 8 of the Treaty of 1883 (Texts, No. VIII).

As to the prolongation of its powers.

ART. LIV. *One year before the expiration of the term assigned for the duration of the European Commission*[1] *the Powers shall come to an understanding as to the prolongation of its powers, or the modifications which they may consider necessary to introduce*[2].

To regulate the middle river.

ART. LV. The regulations respecting navigation, river police, and supervision from the Iron Gates to *Galatz* shall be drawn up by the European Commission, assisted by delegates of the Riverain States, and placed in harmony with those which have been or may be issued for the portion of the river below *Galatz*[3].

The Isle of Serpents.

ART. LVI. The European Commission of the Danube shall come to an arrangement with the proper authorities to ensure the maintenance of the lighthouse on the Isle of Serpents[4].

The Iron Gates.

ART. LVII. The execution of the works which have for their object the removal of the obstacles which the Iron Gates and the Cataracts place in the way of navigation is entrusted to Austria-Hungary. The Riverain States on this part of the river shall afford every facility which may be required in the interest of the works.

The provisions of the VIth Article of the Treaty of London of the 13th March, 1871, relating to the right of levying a provisional tax in order to cover the cost of these works, are maintained in favour of Austria-Hungary.

CESSIONS IN ASIA, 53–60.

Asiatic frontier.

ART. LVIII. The Sublime Porte cedes to the Russian Empire in Asia the territories of Ardahan, Kars, and Batoum, together with the latter port[5], as well as all the territories comprised between the former Russo-Turkish frontier and the following line:—

The new frontier starting from the Black Sea, and coinciding with the line laid down by the Treaty of San Stefano as far as

[1] I. e. at this date, 24th April, 1883.

[2] Which was done by the Treaty of London of 10th March, 1883.

[3] For a history of the proceedings under this Article, v. supra, p. 232.

[4] Cf. Art. 46, supra, and Art. 4 of the Treaty of 19th June, 1857.

[5] Batoum was not surrendered till 6th September, 1878. It was stated at the Congress that evacuations in Europe would alone be provided for by the European Convention; evacuations in Asia being left to be arranged by Russia and Turkey.

a point to the north-west of Khorda, and to the south of Artwin, continues in a straight line as far as the River Tchoroukh, crosses this river and passes to the east of Aschmichen, going in a straight line to the south so as to rejoin the Russian frontier indicated in the Treaty of San Stefano, at a point to the south of Nariman, leaving the town of Olti to Russia. From the point indicated near Nariman the frontier turns to the east, passes by Tebrenec, which remains to Russia, and continues as far as the Pennek Tschaï.

It follows this river as far as Bardouz, then turns towards the south, leaving Bardouz and Jönikioy to Russia. From a point to the west of the village of Karaougan[1], the frontier takes the direction of Medjingert, continues in a straight line towards the summit of the Mountain Kassadagh, and follows the line of the watershed between the affluents of the Araxes on the north and those of the Mourad Sou on the south, as far as the former frontier of Russia[2].

Batoum. ART. LIX. His Majesty the Emperor of Russia declares that it is his intention to constitute Batoum a free port[3], essentially commercial.

Retrocession to Turkey. ART. LX. The valley of Alaschkerd and the town of Bayazid, ceded to Russia by Art. XIX of the Treaty of San Stefano, are restored to Turkey[4].

[1] This point was fixed by a mixed Commission, on which Major-General Hamley was the chief British representative, at Stamboul on 17th May, 1880.

[2] The new frontier, from the point near Karaougan, was fixed as is described in the note to Art. 60, infra. The 'former frontier of Russia' is a portion of that laid down in 1857, 1858, by the Delimitation Commission appointed under Art. 30 of the Treaty of Paris. Supra, p. 253.

[3] I. e. open to ships of all nations, without payment of customs on goods re-exported.

[4] The territory thus retroceded is traversed by an important caravan route. The following agreement was signed at Berlin, on 12th July, 1878, on behalf of Great Britain and Russia:

'The more detailed tracing of the line of the Alashkerd shall be carried out on the spot, in conformity with the Treaty of Berlin, by a military Commission, composed of a Russian officer, an Ottoman officer, and an English officer. SALISBURY. SCHOUVALOFF.'

This agreement was carried out by a Commission, on which Major-General Hamley was the principal British representative, and the new frontier was traced from the point near Karaougan to the point where it falls into the former frontier near Mount Tendourek. See the Protocols, and final Act signed at Kara Kilissa on 11th August, 1880, in Parl. Papers, 1881, Turkey, No. 10.

Persian frontier,

The Sublime Porte cedes to Persia the town and territory of Khotour, as fixed by the mixed Anglo-Russian Commission for the delimitation of the frontiers of Turkey and of Persia[1].

OBLIGATIONS OF THE PORTE, 61–72.

Obligations in Armenia,

ART. LXI. The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.

It will periodically make known the steps taken to this effect to the Powers, who will superintend their application[2].

as to religious liberty and privileges.

ART. LXII. The Sublime Porte having expressed the intention to maintain the principle of religious liberty, and give it the widest scope, the Contracting Parties take note of this spontaneous declaration.

In no part of the Ottoman Empire shall difference of religion be alleged against any person as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public employments, functions and honours, or the exercise of the various professions and industries[3].

All persons shall be admitted, without distinction of religion, to give evidence before the tribunals[4].

The freedom and outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchical organizations of the various communions or to their relations with their spiritual chiefs.

[1] It was not till May, 1883, that the Porte intimated its acceptance of the proposed delimitation of this territory.

[2] These provinces are said to contain about 1,000,000 Christians as against 800,000 Mahomedans. Little has been done towards compliance with this Article (which reproduces Art. 16 of the Treaty of San Stefano), although attention has been repeatedly called to the subject in the British Parliament, especially by Mr. Bryce. See Parl. Papers, 1880, Turkey, Nos. 4, 23, 1881, Turkey, No. 6. A scheme of reform was submitted to the Porte by the Ambassadors of the Powers at Constantinople on 9th February, 1882.

[3] The representative of the Porte at the Brussels Conference maintained that these provisions were only declaratory of what was already the law in Turkey, and apparently with reason; see Appendix, No. I.

[4] Note the special character of this provision.

Ecclesiastics, pilgrims, and monks of all nationalities travelling in Turkey in Europe, or in Turkey in Asia, shall enjoy the same rights, advantages, and privileges.

The right of official protection by the Diplomatic and Consular Agents of the Powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable, and other establishments in the Holy Places and elsewhere.

The rights possessed by France are expressly reserved, and it is well understood that no alterations can be made in the *status quo* in the Holy Places.

The monks of Mount Athos, of whatever country they may be natives, shall be maintained in their former possessions and advantages, and shall enjoy, without any exception, complete equality of rights and prerogatives.

CONFIRMATION OF TREATIES, AND RATIFICATION.

Former Treaties.

ART. LXIII. The Treaty of Paris of March 30, 1856, as well as the Treaty of London of March 13, 1871, are maintained in all such of their provisions as are not abrogated or modified by the preceding stipulations[1].

Ratifications.

ART. LXIV. *The present Treaty shall be ratified, and the ratifications exchanged at Berlin within three weeks, or sooner if possible*[2].

In faith whereof the respective Plenipotentiaries have signed it, and affixed to it the seal of their arms.

Done at Berlin, the thirteenth day of the month of July, one thousand eight hundred and seventy-eight.

BEACONSFIELD.	SAINT-VALLIER.
SALISBURY.	H. DESPREZ.
ODO RUSSELL.	L. CORTI.
v. BISMARCK.	LAUNAY.
BÜLOW.	GORTCHAKOW.
HOHENLOHE.	SCHOUVALOFF.
ANDRÁSSY.	P. D'OUBRIL.
KÁROLYI.	AL. CARATHÉODORY.
HAYMERLE.	MEHEMED ALI.
WADDINGTON.	SADOULLAH.

[1] Cf. the recitals of the Treaty, supra, p. 272.

[2] Ratifications were exchanged on 3rd August, 1878, except that the formal ratification by Turkey arrived somewhat later.

No. VII.

1881, 28th May. *Additional Act to the Public Act of the 2nd November, 1865, relative to the Navigation of the Mouths of the Danube. Signed at Galatz, May 28, 1881*[1].

THE Powers represented upon the European Commission of the Danube, in virtue of the Treaty of Paris of the 30th March, 1856, and Roumania, which has been empowered to take part in the said Commission by Article LIII of the Treaty of Berlin of the 13th July, 1878,

Being desirous of putting the Public Act of the 2nd November, 1865, relative to the navigation of the mouths of the Danube, in harmony with the stipulations of the Treaty of Berlin, to the effect that the said European Commission 'shall henceforward exercise its functions as far as Galatz, in complete independence of the territorial authority, and that all the Treaties, arrangements, acts, and decisions relative to its rights, privileges, prerogatives, and obligations are confirmed,'

Have named as their Plenipotentiaries, that is to say:

[Here follow the names and titles of the Plenipotentiaries.]

Who, having produced their full powers, found in good and due form, and of which a certified copy remains deposited in the archives of the European Commission, have agreed upon the following provisions additional to the aforesaid Public Act of the 2nd November, 1865:—

Application of previous Acts to new Riverain States.

ART. I. The rights, attributes, and immunities of the European Commission of the Danube, such as they have been established by the Treaties of Paris of the 30th March, 1856, and of London of the 13th March, 1871, by the Public Act of the 2nd November, 1865[2], as well as by the acts and decisions prior to the Treaty of Berlin of the 13th July, 1878, shall continue to govern its relations with the new Riverain States, and their effect shall extend as far as *Galatz*[3], subject to the modifications hereinafter specified.

The Inspector, &c.

ART. II. The agent specially appointed to superintend the

[1] Parl. Papers, 1882, Danube, No. 1; N. R. G. 2me Série, viii, 207. Cf. supra, p. 231.

[2] Supra, p. 263, Texts, No. IV.

[3] By Art. 1 of the Treaty of 1883, Texts, No. VIII, to Ibraïla.

river police below *Galatz*, and exclusive of the Port of Soulina, shall henceforward bear the title of Inspector of the Navigation of the Lower Danube, and shall, as formerly, be assisted by a Chancellor and by Sub-Inspectors stationed on the different sections of the river under his superintendence, and all placed under his orders.

The Inspector of the Navigation, the Chancellor of the Inspection, as well as the Sub-Inspectors of the river sections, the Captain of the port of Soulina, and all the staff placed under the orders of the last-mentioned official, are named by the Commission by simple majority of votes, and without distinction of nationality. Their appointment can likewise be cancelled by the Commission.

The Inspector of the Navigation and the Captain of the port of Soulina perform their functions under the direct authority of the Commission, which pays them, and before which they and their subordinates take oath of office.

They decide, as Judges of First Instance, upon contraventions committed within the limits of their respective districts, in matters of police and of navigation, and their decisions are given in the name of the European Commission of the Danube.

The Soulina dues.

ART. III. The management of the funds of the Soulina Navigation shall no longer be entrusted to a special agent. It shall be placed exclusively in the hands of the European Commission, or of the authority which may succeed it, and shall be carried on in the manner which is or may be determined by the said Commission or authority.

The method of levying the dues and the administration of the funds of the Soulina navigation may be modified by an unanimous decision arrived at in plenary session.

ART. IV. The final provision of Art. XIV of the Public Act of 1865 is modified in the following sense—namely, that the prohibition to employ any portion of the sums collected by dues levied on sea-going vessels, or of loans, raised by the hypothecation of these dues, to cover the expense of works or of administrative expenditure in relation to a section of the river lying above Isaktcha, is limited to that part of the river which lies above Galatz.

Light-houses.

ART. V. The European Commission is charged with the

maintenance and the administration of all the lighthouses forming the system of lighting the mouths of the Danube; consequently, the proportion of the total amount of dues levied at Soulina, representing the light dues, shall belong, without deduction, to the Navigation Fund.

International sanitary Council.

ART. VI. The sanitary Regulations applicable to the mouths of the Danube, including the tariffs of sanitary dues, shall be elaborated and modified, in concert with the European Commission, by the International Council, to be established at Bucharest.

The present Regulations shall remain in force until otherwise ordered, reserving, however, the right of the European Commission to demand the immediate abrogation of those which may be in opposition to the interests of the navigation and to the principles laid down in Articles XVIII, XIX, and XX of the Public Act of the 2nd November, 1865.

In order to determine more exactly the sense of the stipulations of the said Art. XX relative to measures of quarantine, properly so called, which are put in force in time of epidemic, it is expressly understood and agreed that these measures are exclusively applicable to vessels and travellers coming from infected localities, and in non-infected ports; and that any exceptional and restrictive measures shall be abolished, with regard to inter-communication between riverain ports, as soon as the epidemic has become general along its banks.

And in order to facilitate, in time of epidemic, the maintenance of the river police, it is further agreed that the Inspector of Navigation, the Chancellor of the Inspection, and the sectional Sub-Inspectors, shall continue, as hitherto, to pass freely to and fro on the river, under the sole condition that they must submit, in case they may have rendered themselves liable to infection ('en cas de compromission') to the same precautions as are laid down by the regulations for the Health Officers. The same immunities shall be extended, in case of necessity, to the engineers, employés, and workmen of the European Commission.

ART. VII. In regard to matters specially concerning the administration of the sanitary service at Soulina, the International Council at Bucharest shall come to an understanding with the Commission with respect to the nomination and pay-

ment of the sanitary staff, the organization and working of the offices, the establishment and maintenance of a lazaretto, and the method of levying the sanitary dues, and the objects to which shall be devoted the proceeds of these dues, which shall form a special fund.

ART. VIII. In order to ensure at all times to the staff, as well as to the property and works of the European Commission, the benefits of neutrality guaranteed to them by Art. XXI of the Public Act of the 2nd November, 1865, and Art. VII of the Treaty of London of the 13th March, 1871, the engineers, employés, and workmen of the European Commission may be furnished with a badge, bearing on a blue ground the white letters 'C. E. D.' Moreover, the Commission shall not be compelled to hoist upon its establishments, of whatsoever nature, and upon its boats, any flag other than its own, which is composed of five parallel stripes perpendicular to the staff, arranged in the following order of colour:—red, white, blue, white and red, the blue stripe having a height double that of each of the other stripes, and bearing in white the letters 'C.E.D.' The flag and badge of the Commission.

ART. IX. All the provisions of the Public Act of the 2nd November, 1865, which are not expressly modified by the present Additional Act, retain all their force and efficiency.

The Regulations of Navigation and of Police, and the Tariff of Navigation Dues, shall be eventually revised by the European Commission, in order to be placed in accord with the position created by the Treaty of Berlin.

ART. X. *The present Act shall be ratified.*

Each of the High Contracting Parties shall give one ratification only. The ratifications shall be deposited within a year, or sooner if possible, in the archives of the European Commission of the Danube[1].

In witness whereof the respective Delegates and Plenipotentiaries have signed the present Additional Act, and have thereto affixed their seals.

Done at Galatz, the 28th day of May, 1881.

H. T. SIBORNE.	N. REVEST.
J. ARENDT.	PENCOVICI.
DE HAAN.	A. ROMANENKO.
CAMILLE BARRÈRE.	CONST. ET. CARATHÉODORY.

[1] The ratifications of all the signatory Powers were so deposited accordingly on 20th May, 1882.

Extract from the Protocol recording the sitting of the European Commission of the Danube, held on the 28th May, 1881.

Reserve of Russian Delegate; In proceeding to sign the Additional Act the Russian Delegate declares, by order of his Government, that he signs the Act in question under the following reserve: the provisions of Articles V and VI of the Additional Act shall not be applicable to the left bank of the Kilia branch, that is to say, to Russian territory, it being, nevertheless, understood that this reserve cannot alter in any way the stipulations of the Treaties concerning the European Commission of the Danube.

of Roumanian Delegate. The Delegate of Roumania declares, on his part, by order of his Government, that he signs the Additional Act under reserve of the equality of the rights of the Riverain States as regards the provisions of Articles V, VI, and VII of the said Act: it is, nevertheless, understood that the provisions of Art. V shall be applicable, during the duration of the European Commission, to existing rights only; and that the provisions of Art. VII are maintained so far as concerns exclusively the levying of sanitary dues, and the management of the fund which is to be formed by means of the product of these taxes.

The Delegates respectively acknowledge and take note of these declarations and reserves, and it is confirmed that, subsequently to the drafting of the text of Art. VII, an understanding has been arrived at between the Roumanian Government and the European Commission, in the sense that the levying of the sanitary dues, and the management of the fund to be formed out of their product, shall come into the hands of the Commission.

The Delegates of Germany, Austria-Hungary, France, Great Britain, Italy, Roumania, Russia, and Turkey, affix to the Additional Act their signatures and the seal of their arms.

The present Protocol is drawn up and signed in nine copies, of which one is deposited in the archives of the Commission, together with the initialled copy of the Additional Act.

Done at Galatz the 28th May, 1881.

[The same signatures.]

No. VIII.

Treaty between Her Majesty, the German Emperor, King of Prussia, the Emperor of Austria, the President of the French Republic, the King of Italy, the Emperor of Russia, and the Sultan of Turkey, relative to the Navigation of the Danube. Signed at London, March 10, 1883[1].

1883, 10th March.

In the Name of Almighty God.

THE Signatory Powers of the Treaty of Berlin, having deemed it necessary to assemble their Plenipotentiaries in Conference at London, in order to come to an understanding as to the decisions to be taken in virtue of Article LIV of the Treaty of Berlin of the 13th July, 1878, and in respect of the execution of Article LV of the same Treaty, concerning the navigation of the Danube from the Iron Gates to its mouths, have appointed their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Granville George, Earl Granville, &c., Her Majesty's Principal Secretary of State for Foreign Affairs, and Lord Edmond George Petty Fitzmaurice, &c., Under Secretary of State for Foreign Affairs;

His Majesty the Emperor of Germany, King of Prussia, George Herbert, Count Münster, his Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, Louis, Count Károlyi of Nagy-Károly, &c., his Ambassador Extraordinary to Her Britannic Majesty;

The President of the French Republic, Charles Tissot, &c., Ambassador of the French Republic to Her Britannic Majesty, and Camille Barrère, French Delegate on the Danube Commission, &c.;

[1] Parl. Papers, 1883, Danube, No. 5; N. R. G. 2me Série, ix, 392.

His Majesty the King of Italy, Count Constantine Nigra, &c., his Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty;

His Majesty the Emperor of all the Russias, Arthur Baron Mohrenheim, &c., his Ambassador Extraordinary and Plenipotentiary to her Britannic Majesty;

His Majesty the Emperor of the Ottomans, Constantine Musurus Pasha, &c., his Ambassador and Plenipotentiary to Her Britannic Majesty;

Who, after exchanging their full powers, found in good and due form, have agreed on the following Articles:—

Extension of European Commission to Ibraïla.

ART. I. The jurisdiction of the European Commission of the Danube is extended from Galatz to Ibraïla.

Prolongation of its powers for 21 years.

ART. II. The powers of the European Commission are prolonged for a period of twenty-one years, dating from the 24th April, 1883.

At the expiration of the said period, the powers of the said Commission shall continue in force by tacit prolongation ('tacite réconduction') for successive terms of three years, unless one of the High Contracting Parties should notify, one year before the expiration of one of these terms of three years, the intention of proposing modifications in the constitution or in the powers of the Commission.

Exception of part of Kilia branch from its jurisdiction.

ART. III. The European Commission shall exercise no effective control over those portions of the Kilia branch of which both banks belong to one of the Riverain States of that branch.

Regulations as to other parts.

ART. IV. With regard to that portion of the Kilia branch which flows between Russian and Roumanian territory, and in order to insure uniformity in the management of the Lower Danube, the regulations in force on the Sulina branch shall be applied under the superintendence of the Russian and Roumanian Delegates of the European Commission.

Works in that branch.

ART. V. In case Russia or Roumania should undertake works in the Kilia branch, either in the part which divides their respective territories, or that which flows exclusively within the territories of either of them, the competent authority shall communicate the plans of these works to the European Commission with the sole view of establishing that they do

not interfere in any way with the navigable state of the other branches.

The works which have already been carried out at the Tchatal of Ismaïl, remain at the charge and under the control of the European Commission of the Danube.

Should there be a difference of opinion between the Russian or Roumanian authorities and the European Commission respecting the plans of works to be undertaken in the Kilia branch, or a difference of opinion in that Commission respecting any extension that it might be advisable to make in the works at the Tchatal of Ismaïl, the case shall be submitted directly to the Powers.

Tolls to cover Russian works.

ART. VI. It is understood that there shall be no restriction upon the right of Russia to levy tolls intended to cover the expenses of the works undertaken by her.

Nevertheless, with the view of providing a safeguard for the reciprocal interests of the navigation of the Sulina branch and on the Kilia branch, the Russian Government shall put the Governments represented in the European Commission in possession of the Regulations respecting the tolls which they may think it advisable to introduce, so as to insure an understanding on the subject.

Adoption of annexed Règlement.

ART. VII. The regulations for navigation, river police, and superintendence drawn up on the 2nd June, 1882, by the European Commission, assisted by the Delegates of Servia and Bulgaria[1], are adopted in the form annexed to the present Treaty, and declared applicable to that part of the Danube which is situated between the Iron Gates and Ibraïla.

Previous Acts maintained.

ART. VIII. All the Treaties, Conventions, Acts, and arrangements relating to the Danube and its mouths are maintained in all such of their provisions as are not abrogated or modified by the preceding stipulations[2].

Ratifications.

ART. IX. *The present Treaty shall be ratified, and the ratifications exchanged at London within the space of six months, or sooner if possible*[3].

[1] Supra, p. 232. Roumania was dissident.

[2] Cf. note to Art. 53 of the Treaty of Berlin.

[3] This long interval was fixed in the hope of gaining the approval of Roumania. Ratifications were exchanged, at the Foreign Office in London, on 21st

In faith whereof, the respective Plenipotentiaries have signed it, and affixed to it the seal of their arms.

Done at London, the 10th day of March, 1883.

GRANVILLE.	C. BARRÈRE.
E. FITZMAURICE.	NIGRA.
MÜNSTER.	MOHRENHEIM.
KÀROLYI.	MUSURUS.
CH. TISSOT.	

ANNEXE.

Règlement de Navigation, de Police Fluviale et de Surveillance, applicable à la partie du Danube située entre les Portes de Fer et Braïla.

TITRE I. RÉGIME GÉNÉRAL DE LA NAVIGATION.

Freedom of Navigation.

ART. I. LA navigation continuera à être entièrement libre sur toute la partie du Danube comprise entre Braïla et les Portes de Fer. Les bâtiments marchands de toutes les nations y effectueront librement, comme par le passé, le transport des passagers et des marchandises ou le remorquage, sous les conditions d'une parfaite égalité stipulées par l'Article XVI du Traité de Paris.

ART. II. Il ne sera perçu sur le Danube aucun péage basé uniquement sur le fait de la navigation du fleuve, ni aucun droit sur les marchandises, tant qu'elles se trouveront à bord des bâtiments, transports ou radeaux.

ART. III. Les États Riverains ont le droit de percevoir dans leurs ports respectifs les droits de quai, grue, balance, magasinage, débarquement, pour les établissements existants ou à établir.

Toutefois, ces droits devront être prélevés indistinctement, suivant des tarifs fixes et publics, sans égard à la provenance des bâtiments et de leur cargaison, et pour autant seulement que les bâtiments assujettis à ces droits auraient profité des dits établissements.

Il est bien entendu que ces tarifs ne pourront être une source de revenus financiers, mais qu'ils produiront seulement la

August by Germany, Austria, France, Great Britain, and Italy, on 24th August by Russia, and on 25th October by the Porte. N. R. G. 2me Série, ix, 395.

quotité nécessaire au paiement de l'intérêt et à l'amortissement du capital de premier établissement et d'entretien. L'amortissement une fois opéré, les tarifs ne représenteront plus que la quotité nécessaire à l'entretien.

(ARTS. 4, 5, *Bridges and Mills.*)

Customs.

ART. VI. Les lignes douanières suivront partout les rives du fleuve, sans jamais le traverser. Il s'ensuit que les bâtiments, transports, radeaux, &c., tant qu'ils sont en voie de navigation ou à l'ancre dans le lit du fleuve, sans faire aucune opération de commerce avec la rive, sont entièrement en dehors de toute action des Douanes.

En conséquence, les États Riverains ne peuvent percevoir les taxes douanières qu'à l'égard des marchandises débarquées sur les rives, et cette interdiction s'applique même aux bâtiments, transports ou radeaux traversant les sections du fleuve dont les deux rives appartiennent au même État.

ART. VII. Le transit est absolument libre pour les marchandises de toutes les nations, quelles que soient leur provenance et leur destination. Lorsqu'un bâtiment, transport ou radeau traverse une section fluviale dont les deux rives dépendent d'un seul État, les capitaines ou patrons ne sont pas assujettis à d'autres formalités, quant aux marchandises transportées en transit, qu'au plombage ou à la surveillance d'un agent douanier, exercée à bord jusqu'au point où les deux rives, ou l'une d'elles, cessent d'appartenir au dit État. L'agent douanier, pendant son séjour à bord, a droit à la nourriture, au chauffage, et à l'éclairage, sur le même pied que les hommes de l'équipage, mais sans autre rémunération quelconque. Le bâtiment sera tenu de donner passage gratuit au dit agent douanier, sans nourriture ni autres frais, au moins jusqu'au dernier port national qu'il touchera dans son premier voyage de retour.

ART. VIII. Les bâtiments de mer ne pourront être tenus de produire d'autres documents que leurs papiers de bord. Les bâtiments ou transports fluviaux devront être munis des documents nécessaires, délivrés par l'autorité dont ils relèvent, pour constater le nom, la nationalité et la capacité du bâtiment ou transport, et l'identité du capitaine ou patron et des hommes d'équipage.

Il est bien entendu qu'aucune autre modification ne sera apportée aux conditions dans lesquelles s'exercent actuellement le grand et petit cabotage sans distinction de pavillon.

Les petites embarcations et les barques de pêche sont dispensées de se faire délivrer les actes spécifiés dans le présent Article; les patrons et les hommes d'équipage sont simplement tenus de se munir des documents nécessaires pour constater leur identité, lorsqu'ils veulent accoster à une rive étrangère. Il est bien entendu, d'ailleurs, que cette disposition ne porte aucune atteinte aux lois et règlements ayant pour objet l'exercice de la pêche dans les eaux de chacun des États Riverains.

(ARTS. 9, 10, *Mills and Quarantine.*)

TITRE II. POLICE DE LA NAVIGATION.

(ARTS. 11–95.)

TITRE III. EXÉCUTION ET SURVEILLANCE DES RÈGLEMENTS.

The 'mixed Commission.'

ART. XCVI. L'exécution du présent Règlement est placée sous l'autorité d'une Commission dite 'Commission Mixte du Danube,' dans laquelle l'Autriche-Hongrie, la Bulgarie, la Roumanie et la Serbie seront chacune représentées par un Délégué. La présidence de cette Commission appartiendra au Délégué de l'Autriche-Hongrie.

Un membre de la Commission Européenne du Danube, désigné pour une période de six mois, par ordre alphabétique des États, prendra part aux travaux de la Commission Mixte et jouira, pendant cette participation, de tous les droits appartenant à ses autres membres.

Les États déjà représentés à la Commission Mixte ne seront pas compris dans ce roulement alphabétique.

Afin que le membre de la Commission Européenne ainsi désigné soit en mesure de prendre part aux délibérations de la Commission Mixte, celle-ci lui fera parvenir le programme de ses travaux un mois avant l'ouverture de chaque session.

La Commission Européenne, quand elle le jugera utile, pourra demander à la Commission Mixte, par l'entremise de son Délégué, les renseignements dont elle aurait besoin con-

cernant celles des décisions de la Commission Mixte qui toucheraient à la liberté de la navigation.

ART. XCVII. Les pouvoirs de la Commission Mixte auront une durée égale à ceux de la Commission Européenne du Danube, et cette Commission Mixte subira, s'il est besoin, les modifications qu'il pourrait devenir nécessaire d'introduire dans sa constitution et dans ses pouvoirs, sous réserve de la coexistence des deux Commissions.

ART. XCVIII. La Commission Mixte tiendra chaque année deux sessions ordinaires qui seront fixées de manière à éviter la réunion simultanée de la Commission Mixte et de la Commission Européenne. Sessions.

Ses décisions seront prises à la majorité des voix.

Elle arrêtera elle-même le règlement intérieur pour l'ordre de ses travaux, ainsi que les instructions spéciales à ses agents en vue de l'application du présent Règlement, sauf les points sur la solution desquels le présent Règlement a statué lui-même. La Commission procédera, dans sa première session, à la nomination des agents désignés à l'Article 100, sous les numéros 1, 2 et 4.

Toutefois, le règlement intérieur et les instructions d'un caractère général et réglementaire, telles que celles dont il est question dans l'Article 9 de l'Acte-Public du 2 Novembre 1865, relatif à la navigation des embouchures du Danube, seront communiqués préalablement à la Commission Européenne, et ne seront appliqués qu'après que cette Commission les aura trouvés conformes aux principes qui ont servi de base au présent Règlement.

ART. XCIX. Les frais d'administration seront à la charge des États représentés dans la Commission Mixte. Ils y contribueront dans la proportion suivante: l'Autriche-Hongrie pour quatre dixièmes, la Roumanie pour quatre dixièmes, et la Bulgarie et la Serbie, chacune pour un dixième. Expenses.

À la seconde réunion ordinaire, la Commission Mixte fixera son budget pour l'année suivante.

Les contributions des États seront faites d'avance pour chaque semestre. Les amendes perçues pour contravention au présent Règlement seront versées dans la caisse de la Commission Mixte, pour être affectées aux besoins du service.

Officers. ART. C. Les agents ci-après désignés fonctionneront, chacun dans le ressort qui lui sera assigné, sous les ordres de la Commission Mixte, savoir:

1°. Un Inspecteur;

2°. Des Sous-Inspecteurs;

3° Des Capitaines de Port, pour autant que leur action s'exercera sur la voie fluviale;

4°. Un Secrétaire et des agents subalternes.

ART. CI. Les agents désignés à l'Article précédent seront choisis parmi des personnes compétentes; ils seront nommés et rétribués comme il suit:

L'Inspecteur sera nommé et rétribué par la Commission Mixte, ainsi que le Secrétaire et les agents subalternes.

Les Sous-Inspecteurs et Capitaines de Port seront nommés et rétribués par les États Riverains respectifs, lesquels feront part à la Commission Mixte de la nomination de ces agents ou de leur remplacement.

Les agents ci-dessus nommés, sauf les Sous-Inspecteurs et les Capitaines de Port, pourront être révoqués par la Commission Mixte.

ART. CII. L'Inspecteur est appelé à veiller par voie administrative à la stricte observation des dispositions du présent Règlement et à mettre de l'ensemble dans son application.

Sous ce rapport, il est considéré comme directement préposé aux Sous-Inspecteurs et aux Capitaines de Port.

Sections. ART. CIII. Le Danube entre les Portes de Fer et Braïla sera divisé sur la rive gauche en quatre sections d'inspection; dont

La première s'étendra des Portes de Fer à Beket inclusivement;

La seconde, de Beket jusqu'à Simnitza inclusivement;

La troisième, de Simnitza jusqu'à Calarash-Silistrie;

La quatrième, comprenant les deux rives, de Calarash-Silistrie jusqu'à Braïla exclusivement.

Sur la rive droite il sera divisé en trois sections; dont

La première s'étendra des Portes de Fer jusqu'à l'embouchure du Timok;

La seconde, du Timok jusqu'à Nicopolis inclusivement;

La troisième, de Nicopolis jusqu'à Silistrie inclusivement;

La résidence de chacun des Sous-Inspecteurs sera ultérieurement fixée par les États Riverains de concert avec la Commission Mixte.

ART. CIV. Les États Riverains prêteront à la Commission Mixte et à ses agents tout le concours dont elle pourra avoir besoin dans l'accomplissement de sa tâche.

ART. CV. Les ports ou échelles situés sur le parcours de chaque section fluviale et pour lesquels les États Riverains auront institué des Capitaines de Port, conformément aux dispositions du présent Règlement, ne seront pas compris dans le ressort du Sous-Inspecteur de la section. Les ports ou échelles seront placés sous la surveillance des Capitaines de Port, lesquels relèveront directement de l'Inspecteur et seront tenus de suivre ses instructions, pour tout ce qui concernera leur action sur la voie fluviale. Ports.

On entend par la dénomination de port, au sens du présent Règlement, toute la partie du fleuve comprise entre deux lignes droites partant, normalement aux rives, des limites d'amont et d'aval des dits ports ou échelles et se prolongeant jusqu'au thalweg.

Si la rive opposée appartient au même État, le port comprend également la partie du fleuve située au delà du thalweg, entre les deux lignes prolongées jusqu'à la dite rive, à moins toutefois qu'il n'existe sur cette rive, dans les mêmes eaux, un port ou échelle muni d'un Capitaine de Port.

Les bâtiments en cours de navigation et traversant les eaux d'un port, sans s'y arrêter, ne sont pas soumis à la juridiction des Capitaines de Port; l'Inspecteur et les Sous-Inspecteurs sont seuls compétents pour agir à l'égard de ces bâtiments.

ART. CVI. Les attributions spéciales de la police judiciaire fluviale seront exercées par les Sous-Inspecteurs et les Capitaines de Port, par chacun dans son domaine de surveillance, et les appels seront portés devant la Commission Mixte, qui jugera en dernier ressort. Police.

Si, dans l'exercice de leurs fonctions, les Sous-Inspecteurs avaient à relever des contraventions commises en dehors de leur ressort, ils constateraient ces contraventions et les porteraient à la connaissance du Sous-Inspecteur compétent.

Giurgevo. ART. CVII. La Commission Mixte aura son siège à Giurgevo.

ART. CVIII. Les Articles I, II, III, VI, VII, VIII, IX, et X, ainsi que les Articles XCVI à CVIII inclusivement du prèsent Règlement, ne pourront être modifiés qu'à la suite d'une entente des Puissances intéressées. Les autres Articles ne pourront être modifiés par la Commission Mixte qu'avec le concours de la Commission Européenne du Danube.

APPENDIX.

I.

Religious and Political Equality in Turkey.

(1)

The Hatti-Scheriff, or Law of the Tanzimat, read in the plain of Gul-Hané, on 3rd November, 1839[1].

Tout le monde sait que, dans les premiers temps de la monarchie ottomane, les préceptes glorieux du Coran et les lois de l'empire étaient une règle toujours honorée. En conséquence, l'empire croissait en force et en grandeur, et tous les sujets, sans exception, avaient acquis au plus haut degré l'aisance et la prospérité. Depuis cent cinquante ans, une succession d'accidents et de causes diverses ont fait qu'on a cessé de se conformer au code sacré des lois, et aux règlements qui en découlent, et la force et la prospérité antérieures se sont changées en faiblesse et en appauvrissement: c'est qu'en effet un empire perd toute stabilité quand il cesse d'observer ses lois.

Ces considérations sont sans cesse présentes à notre esprit, et, depuis le jour de notre avénement au trône, la pensée du bien public, de l'amélioration de l'état des provinces et du soulagement des peuples n'a cessé de l'occuper uniquement. Or, si l'on considère la position géographique des provinces ottomanes, la fertilité du sol, l'aptitude et l'intelligence des habitants, on demeurera convaincu qu'en s'appliquant à trouver les moyens efficaces, le résultat, qu'avec le secours de Dieu nous espérons atteindre, peut être obtenu dans l'espace de quelques années. Ainsi donc, plein de confiance dans le secours du Très-Haut, appuyé sur l'intercession de notre Prophète, nous jugeons convenable de chercher par des institutions nouvelles à procurer aux provinces, qui composent l'empire ottoman, le bienfait d'une bonne administration.

Ces institutions doivent principalement porter sur trois points, qui sont: 1. Les garanties qui assurent à nos sujets une parfaite sécurité quant à la vie, leur honneur et leur fortune; 2. Un mode régulier d'asseoir et de prélever les impôts; 3. Un mode également régulier pour la levée des soldats et la durée de leur service.

Et en effet, la vie et l'honneur ne sont-ils pas les biens les plus

[1] Législation Ottomane, ii. p. 7.

précieux qui existent ? Quel homme, quel que soit l'éloignement que son père lui inspire par la violence, pourra s'empêcher d'y avoir recours et de nuire par là au gouvernement et au pays, si sa vie et son honneur sont mis en danger ? Si, au contraire, il jouit à cet égard d'une sécurité parfaite, il ne s'écartera pas des voies de la loyauté, et tous ses actes concourront au bien du gouvernement et de ses frères.

S'il y a absence de sécurité à l'égard de la fortune, tout le monde reste froid à la voix du prince et de la patrie ; personne ne s'occupe du progrès de la fortune publique, absorbé que l'on est par ses propres inquiétudes. Si, au contraire, le citoyen possède avec confiance ses propriétés de toute nature, alors, plein d'ardeur pour ses affaires, dont il cherche à élargir le cercle, afin d'étendre celui de ses jouissances, il sent chaque jour redoubler en son cœur l'amour du prince et de la patrie, le dévouement à son pays. Ces sentiments deviennent en lui la source des actions les plus louables.

Quant à l'assiette régulière et fixe des impôts, il est très important de régler cette matière ; car l'État, pour la défense de son territoire, forcé à des dépenses diverses, ne peut se procurer l'argent nécessaire pour ses armées et autres services, que par les contributions levées sur ses sujets. Quoique, grâce à Dieu, ceux de notre empire soient, depuis quelque temps, délivrés du fléau des monopoles, regardés mal à propos autrefois comme une source de revenu, un usage funeste subsiste encore, quoiqu'il ne puisse avoir que des conséquences désastreuses; c'est celui des concessions vénales, connues sous le nom d'*iltizam*. Dans ce système, l'administration civile et financière d'une localité est livrée à l'arbitraire d'un seul homme, c'est-à-dire, quelquefois à la main de fer des passions les plus violentes et les plus cupides, car si ce fermier n'est pas bon, il n'aura d'autre soin que son propre avantage.

Il est donc nécessaire que désormais chaque membre de la société ottomane soit taxé pour une quotité d'impôt, déterminée en raison de sa fortune et de ses facultés, et que rien au delà ne puisse être exigé de lui. Il faut aussi que des lois spéciales fixent et limitent les dépenses de nos armées de terre et de mer.

Bien que, comme nous l'avons dit, la défense du pays soit une chose importante, et que ce soit un devoir pour tous les habitants de fournir des soldats à cette fin, il est devenu nécessaire d'établir des lois pour régler les contingents que devra fournir chaque localité, selon les nécessités du moment, et pour réduire à quatre ou cinq ans le temps du service militaire. Car, c'est à la fois faire une chose injuste et porter un coup mortel à l'agriculture et à l'industrie, que de prendre, sans égard à la population respective

des lieux, dans l'un plus, dans l'autre moins d'hommes qu'ils n'en peuvent fournir ; de même que c'est réduire les soldats au désespoir et contribuer à la dépopulation du pays, que de les retenir toute leur vie au service.

En résumé, sans les diverses lois, dont on vient de voir la nécessité, il n'y a pour l'empire ni force, ni richesse, ni bonheur, ni tranquillité ; il doit, au contraire, les attendre de l'existence de ces lois nouvelles.

C'est pourquoi désormais la cause de tout prévenu sera jugée publiquement, conformément à notre loi divine, après enquête et examen, et tant qu'un jugement régulier ne sera point intervenu, personne ne pourra, secrètement ou publiquement, faire périr une autre personne par le poison ou par tout autre supplice.

Il ne sera permis à personne de porter atteinte à l'honneur de qui que ce soit.

Chacun possédera ses propriétés de toute nature, et en disposera avec la plus entière liberté sans que personne puisse y porter obstacle. Ainsi, par exemple, les héritiers innocents d'un criminel ne seront point privés de leurs droits légaux, et les biens du criminel ne seront point confisqués.

Ces concessions impériales s'étendant à tous nos sujets, de quelque religion ou secte qu'ils puissent être, ils en jouiront sans exception. Une sécurité parfaite est donc accordée par nous aux habitants de l'empire dans leur vie, leur honneur et leur fortune, ainsi que l'exige le texte sacré de notre loi.

Quant aux autres points, comme ils doivent être réglés par le concours d'opinions éclairées, notre conseil de justice (augmenté de nouveaux membres, autant qu'il sera nécessaire), auquel se réuniront, à certains jours que nous déterminerons, nos ministres et nos notables de l'empire, s'assemblera à l'effet d'établir des lois réglementaires sur ces points de la sécurité de la vie et de la fortune, et sur celui de l'assiette des impôts. Chacun, dans ces assemblées, exposera librement ses idées, et donnera son avis.

Les lois concernant la régularisation du service militaire seront débattues au conseil militaire, tenant séance au palais du séraskier.

Dès qu'une loi sera finie, pour être à jamais valable et exécutoire, elle nous sera présentée : nous l'ornerons de notre sanction, que nous écrirons en tête, de notre main impériale.

Comme ces présentes institutions n'ont pour but que de faire refleurir la religion, le gouvernement, la nation et l'empire, nous nous engageons à ne rien faire qui y soit contraire. En gage de notre promesse, nous voulons, après les avoir déposées dans la salle qui renferme le manteau glorieux du Prophète, en présence de tous

les ulémas et des grands de l'empire, faire serment par le nom de Dieu, et faire jurer ensuite les ulémas et les grands de l'empire.

Après cela, celui d'entre les ulémas ou les grands de l'empire, ou toute autre personne que ce soit, qui violerait ces institutions, subira sans qu'on ait égard au rang, à la considération et au crédit de personne, la peine correspondante à sa faute bien constatée. Un code pénal sera rédigé à cet effet.

Comme tous les fonctionnaires de l'empire reçoivent aujourd'hui un traitement convenable, et qu'on régularisera les appointements de ceux, dont les fonctions ne seraient pas suffisamment rétribuées, une loi rigoureuse sera postée contre le trafic de la faveur et des charges (*richwez*), que la loi divine réprouve, et qui est une des principales causes de la décadence de l'empire.

Cette nouvelle constitution a été envoyée à tous les pachas; dans le firman qui l'accompagnait, le sultan s'exprime de la manière suivante:

Par suite et en vertu d'une ordonnance, que j'ai rendu le 26 de la lune de chaban, le corps des ulémas, tous les fonctionnaires civils et militaires, les employés de divers bureaux de mon empire, les représentants de toutes les puissances amies résidant à Constantinople, les cheiks et imams de tout rang et de toute hiérarchie, les patriarches des trois nations qui vivent sous mon sceptre, les rabbins des juifs, tous les notables et chefs des corporations de ma capitale, ont été convoqués et réunis dans la vaste place de Gulhané, située dans l'intérieur de mon palais impérial.

Et en ma présence et sous les yeux de cette immense assemblée, j'ai fait donner lecture à haute et intelligible voix du Hatti-chérif émané de ma volonté souveraine, et cela afin de mettre tout le monde en position de connaître par soi-même les sentiments bienveillants qui m'animent sans relâche, le désir qui ne cesse de me préoccuper en tout ce qui regarde l'amélioration du peuple que la haute et divine Providence m'a confié. Mon visir a reçu de moi, en cette occasion, l'ordre exprès de veiller à l'entière exécution de mon Hatti-chérif, et j'ai prononcé la malédiction céleste sur tous ceux qui oseraient en enfreindre les stipulations.

J'ai invité les ulémas, les fonctionnaires et les visirs de haut rang à se rendre dans la salle qui renferme le glorieux manteau du Prophète, et c'est en leur présence que je me suis engagé par serment à observer tous les règlements que renferme mon Hatti-chérif, comme aussi à accorder mon suffrage impérial à toutes les mesures qui seront arrêtées plus tard, à la majorité des voix, en égard aux principaux articles qui y sont contenus. Je me suis de même engagé à m'abstenir de prononcer pour ou contre quelque rapport

que ce soit, me fût-il parvenu secrètement ou publiquement, de l'intérieur de ma capitale et de tout autre pays sous ma domination, sans l'avoir au préalable soumis aux lois instituées, de même que j'ai juré, au nom de Dieu, de ne jamais autoriser la moindre chose qui pût paraître peu conforme aux lois établies ou à celles qui le seront plus tard.

Les fonctionnaires, réunis autour de moi, ont été invités à leur tour à prendre les mêmes engagements. Tous l'ont fait avec empressement et bonne volonté. Ils se sont engagés par serment à servir mon empire avec zèle et fidélité, et à se déclarer ennemis de ceux qui permettraient de violer ses institutions, sans avoir égard ni au rang, ni à la considération, ni au crédit du délinquant. Leur serment a été pris au nom de Dieu; ils ont donc juré à mon exemple de s'abstenir de toute infraction aux lois établies, soit verbalement ou par écrit, par pensée ou par action, présentement ou à l'avenir.

J'ai ordonné que, d'après ce qui vient d'être dit, parfaite sécurité fût octroyée désormais à tous mes sujets musulmans ou rayas dans leur vie, leur honneur et leurs propriétés.

Comme je me suis engagé à ne jamais me prononcer contre aucun individu, dont la cause ne serait pas jugée à l'avance publiquement, et d'après les lois de l'empire, j'exige aussi que nul ne s'avise de porter la moindre atteinte à l'honneur et à la vie de mes nombreux sujets. Donc, depuis le premier jusqu'au dernier, depuis mon visir jusqu'au simple berger, chacun pourra disposer de sa fortune à son gré, et sans que nul puisse y mettre obstacle.

Ainsi, la cause d'un individu, qui aurait des réclamations à faire contre un autre individu, sera jugée publiquement, et si cette cause est conforme aux lois et juste par elle-même, il sera prononcé en sa faveur; de même, le coupable d'un crime, quel qu'il soit, subira une peine analogue à sa faute, sans qu'il puisse être passible de rien de plus. Aucun individu ne pourra être mis à mort, fût-ce la mort des plus méritées, si ce n'est aux conditions suivantes:

Il sera fait, par qui de droit, un rapport exact du crime. Ce rapport sera expédié à la capitale, où la cause du criminel devra être soumise à une enquête judiciaire, et jugée d'après les prescriptions de la loi. C'est sur cette décision que je prononcerai la peine de mort, de manière que personne ne puisse s'autoriser, à l'avenir, de nul prétexte que ce soit, pour faire périr publiquement ou clandestinement un individu quelconque.

Tout homme, tout fonctionnaire public, qui sera convaincu d'avoir transgressé ce règlement, sera lui-même puni de mort, sans égard pour son rang, ni pour son caractère, ni pour son crédit, tous, sans

exception aucune, devant être considérés égaux devant la loi. Les biens du criminel cesseront, à l'avenir, d'être confisqués, ses héritiers innocents n'auront à subir en nulle manière sa peine, et tous leurs droits légaux leur seront conservés. Toute acte arbitraire est aboli à l'avenir. Des lois réglementaires sont à la veille d'être établies, quant à ce qui a rapport aux impôts, ainsi qu'à la régularisation du service militaire. L'importance de ces deux questions exigera beaucoup d'études et de temps, avant qu'on puisse les rendre d'une manière définitive. Déjà, dans mon conseil de justice, on s'occupe sans relâche à régler la question des impôts. Le conseil militaire, siégeant au palais du séraskier, travaille de son côté avec la plus grande activité à celle de la régularisation du service militaire. En attendant que ces diverses lois soient établies, lois dont chacune sera sanctionnée par moi, et, par mes ordres, rendue publique, au moyen des firmans, que je ferai expédier dans tous les lieux de mon empire, les anciennes lois concernant le service militaire, ainsi que la levée des impôts, continueront à être en vigueur comme par le passé. Bien entendu, cependant, que toute espèce de vexation sera abolie, et cessera, à partir de ce moment, et qu'il sera accordé aide et protection à tous mes sujets indistinctement. Ainsi, à part les deux questions du service militaire et de l'impôt, tous les autres points, qui viennent d'être mentionnés, auront immédiatement leur pleine et entière exécution.

Et lors donc que ce firman te parviendra, empresse-toi de réunir dans une vaste place tous les chieks, ulémas, notables et autres habitants du chef-lieu, des bourgs et des villages, pour leur donner lecture de ce firman, afin que mon intention impériale soit connue partout sans exception. Je te recommande expressément de veiller de manière à ce que l'on ne se méprenne point sur le sens et la portée qui ont dicté mon firman. Que personne ne se laisse induire en erreur quant à ce que je dis dans mon Hatti-chérif, relativement aux impôts, et qu'on ne s'imagine point, par erreur, que j'ai entendu accorder aux divers sujets de mon empire, exemption complète de droits et d'impôts. Tu leur signifieras à l'avance que des punitions exemplaires seront infligées à ceux qui, ne suivant pas les prescriptions du Hatti-chérif, et s'autorisant mal à propos de l'article qui accorde à tous mes sujets sécurité parfaite pour leur vie, leur honneur, leur fortune, se permettraient des actes de désobéissance envers les autorités constituées du pays, ou toute autorité de laquelle ils peuvent dépendre.

Il faut que chacun puisse entendre que la pensée qui a présidé à la rédaction de ce firman que je t'adresse, est uniquement suggérée par le désir où je suis, d'adopter les mesures les plus efficaces, afin

d'accroître la prospérité et la force de mon empire, et de substituer à l'administration irrégulière qui a régné jusqu'à présent, un mode plus rationnel et plus en harmonie avec les besoins de la nation musulmane.

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(2)

The Hatti-Humayoun of 18th February, 1856[1].

Qu'il soit fait ainsi.

Très-noble et éminent ministre, très-glorieux et respectable *muchir*, régulateur et organisateur des peuples, vous qui dirigez les affaires par votre esprit pénétrant, qui les terminez par la rectitude de votre jugement, qui consolidez heureusement l'édifice de la prospérité du pays, qui distribuez les emplois de notre cour khalifale, qui en défendez l'honneur, qui, enfin, êtes comblé des faveurs du souverain-roi, notre grand-vizir actuel, notre *alter ego*, Mehemed-Emin-Aali-Pacha, décoré de notre ordre impérial du *Medjidié* de première classe, et de la décoration du mérite personnel, que Dieu vous accorde une grandeur impérissable !

Sachez, au reçu de ce rescrit impérial, que le bonheur de tous les peuples, dont la Providence a daigné me confier le dépôt, étant la plus chère et la plus constante de mes préoccupations, l'univers entier a pu voir, depuis mon avénement, grâce à Dieu, les fruits de ma sollicitude à cet égard. Toutefois, désirant donner une plus grande extension ainsi qu'une consécration nouvelle au nouveau régime, *tanzimati-khaïrié*, que j'ai eu le bonheur d'établir, afin d'arriver ainsi à un état de choses conforme à la fois à la dignité de mon gouvernement, ainsi qu'à la position éminente qu'il occupe parmi les nations civilisées ;

D'autre part, considérant que les droits augustes de ma couronne viennent, grâce à l'assistance du Très-Haut, de recevoir, à l'extérieur une consécration nouvelle, par suite des louables efforts de mes fidèles sujets de toute classe, ainsi que par la sollicitude et le généreux concours des Hautes Puissances, mes nobles alliées ; considérant dès lors, que cette époque est le commencement d'un ère nouvelle de prospérité, les sentiments généreux que je professe

[1] Législation Ottomane, ii. p. 14. This is the Firman mentioned in Art. 9 of the Treaty of Paris, supra, p. 246. It was followed by the publication of Codes of several departments of law. On the results produced by this Firman, see a *mémoire* presented to the Powers by the Porte, of 15th May, 1867, printed in Législ. Ottom. ii. p. 24.

pour mon peuple me font un devoir de chercher aussi, à l'intérieur, et par tous les moyens possibles, le développement de la force, de la puissance et de la prospérité du pays, et de faire aussi le bonheur de mes sujets de toutes classes, unis tous entre eux par les liens d'un cordial patriotisme, comme ils sont tous égaux aux yeux de ma vive et paternelle sollicitude ;

À ces causes nous avons ordonné et ordonnons ce qui suit :

I. Les garanties promises et accordées à tous nos sujets par le *Hatti-chérif* de Gulhané et par les lois du *Tanzimat*, sans distinction de culte, pour la sécurité de leur personne et de leurs biens, et pour la conservation de leur honneur, sont rappelées et consacrées de nouveau ; il sera pris des mesures efficaces pour que ces garanties reçoivent leur plein et entier effet.

II. Sont reconnus et maintenus, en totalité, les immunités et priviléges spirituels donnés et accordés par nos illustres ancêtres, et à des dates postérieures, aux communautés chrétiennes et autres, non musulmanes, établies dans notre empire, sous notre égide protectrice. Toutefois, chaque communauté chrétienne ou autre, non musulmane, procédera, dans un délai déterminé, à la révision et à l'examen des immunités et priviléges actuels ; à cet égard, elle discutera, par l'entremise de conseils formés *ad hoc* dans les patriarcats, avec notre approbation souveraine, et sous la surveillance de la Porte, les réformes qui seront exigées par le temps, ainsi que par le progrès des lumières et de la civilisation ; le conseil sera tenu de soumettre ces réformes à notre Sublime-Porte. Les pouvoirs concédés aux patriarches et aux évêques chrétiens par Sultan Mehemmed *elfâtih*, de glorieuse mémoire, et ses illustres successeurs, seront mis en harmonie avec l'état et la position nouvelle que nos intentions généreuses assurent à ces communions. Le principe de la nomination à vie des patriarches, après la révision des règlements d'élection aujourd'hui en vigueur, sera entièrement et sincèrement appliqué, conformément à la teneur de leur *bérat* (diplôme) d'investiture. Les patriarches, métropolitains (archevêques), délégués et évêques, ainsi que les grands-rabbins, prêteront serment à leur entrée en fonctions, d'après une formule qui sera concertée entre notre Sublime-Porte et les chefs spirituels des différentes communautés.

III. Les redevances et donatives faites actuellement au clergé, de quelque forme et nature qu'elles soient, sont entièrement supprimées ; il sera attribué, en échange, des revenus fixes aux patriarches et aux chefs de communautés ; pour les autres ecclésiastiques, il leur sera alloué, conformément à une décision ultérieure, des traitements établis dans une proportion équitable, selon l'im-

portance de leur rang et de leur dignité. Il ne sera porté, toutefois, aucune atteinte aux propriétés mobilières et immobilières du clergé chrétien. L'administration des affaires temporelles des communautés chrétiennes et autres, non musulmanes, sera placée sous le sauvegarde d'un conseil, dont les membres seront choisis parmi le clergé et les laïques de chaque communauté.

IV. Dans les villes, bourgades et villages, où la population appartiendra en totalité au même culte, il ne sera mis aucune entrave à la réparation ou à la restauration, d'après la forme primitive, des édifices consacrés au culte, ainsi que des écoles, des hôpitaux et des cimetières. Quand il sera nécessaire d'ériger de nouveaux édifices de ce genre, le plan et la forme, approuvés par le patriarche ou les chefs de communauté, devront être soumis, une fois seulement, à la Porte, qui acceptera les plans présentés, et en ordonnera l'exécution, conformément à l'*irâdé* (décret) impérial qui sera rendu à cet effet. Dans le cas contraire, elle fera ses observations dans un délai déterminé. Si une communauté se trouve seule dans une localité, sans être mêlée avec d'autres communions religieuses, elle ne sera soumise à aucune espèce de restriction dans l'exercice public et extérieur de son culte. Quant aux villes, bourgades et villages, composés d'habitants appartenant à différents cultes, chaque communauté pourra, dans le quartier distinct qu'elle habite, réparer et restaurer ses églises, hôpitaux, écoles et cimetières en se conformant aux principes ci-dessus indiqués.

V. Quant aux nouveaux édifices, dont la construction sera nécessaire, les patriarches ou chefs de communauté demanderont, à cet égard, l'autorisation nécessaire à la Porte ; et notre permission souveraine sera accordée, à moins qu'il n'y ait, pour le gouvernement, quelque obstacle administratif.

VI. L'intervention de l'autorité dans ces sortes de choses sera entièrement gratuite.

VII. Le gouvernement prendra les mesures énergiques et nécessaires pour assurer à chaque culte, quel que soit le nombre de ses adhérents, la pleine liberté de son exercice.

VIII. Tout mot et toute expression ou appellation tendant à rendre une classe de mes sujets inférieure à l'autre, à raison du culte, de la langue ou de la race, sont à jamais abolis et effacés du protocole administratif.

IX. La loi punira l'emploi, entre particuliers, ou de la part des agents de l'autorité, de toute expression ou qualification injurieuse ou blessante.

X. Le culte de toutes les croyances et religions existant dans

mes États, y étant pratiqué en toute liberté, aucun de mes sujets ne sera empêché d'exercer la religion qu'il professe.

XI. Personne ne sera ni vexé, ni inquiété à cet égard.

XII. Personne ne sera contraint à changer de culte ou de religion.

XIII. Les agents et employés de l'État sont choisis par nous ; ils sont nommés par décret impérial ; et comme tous nos sujets, sans distinction de nationalité, seront admissibles aux emplois et services publics, ils seront aptes à les occuper, selon leur capacité, et conformément à des règles dont l'application sera générale.

XIV. Tous nos sujets, sans différence ni distinctions, seront reçus dans les écoles civiles et militaires du gouvernement, pourvu qu'ils remplissent les conditions d'âge et d'examen spécifiés dans les règlements organiques des dites écoles.

XV. De plus, chaque communauté est autorisée à établir des écoles publiques pour les sciences, les arts et l'industrie ; seulement le mode d'enseignement et le choix des professeurs de ces sortes d'écoles seront placés sous l'inspection et le contrôle d'un conseil mixte d'instruction publique, dont les membres seront nommés par nous.

XVI. Toutes les affaires commerciales et criminelles qui surviendront entre des musulmans et des sujets chrétiens ou autres non musulmans, ou bien entre sujets chrétiens ou autres, non musulmans, des rites différents, seront déférées à des tribunaux mixtes. L'audience de ces tribunaux sera publique ; les parties seront mises en présence ; les témoins qu'elles produiront affirmeront leurs dépositions sous un serment, qui sera toujours prêté selon la religion et le culte de chacun d'eux.

XVII. Les procès ayant trait aux affaires civiles seront jugés, d'après la loi religieuse et les règlements, dans les conseils mixtes des préfectures et sous-préfectures, en présence du gouverneur général et du qâdi. Les débats des causes jugées dans ces tribunaux et conseils seront publics.

XVIII. Les procès spéciaux, tels que ceux de succession, soit entre deux chrétiens, soit entre deux autres sujets non musulmans, pourront, à la demande des parties, être renvoyés par-devant les patriarches, les chefs de communautés et les conseils des dites communautés pour y être jugés.

XIX. Les lois pénales et commerciales, ainsi que les règles de procédure à appliquer dans les tribunaux mixtes seront complétées le plus promptement possible ; elles seront coordonnées et codifiées, puis ensuite publiées et répandues, en traduction, dans les différents idiomes usités dans nos États.

XX. On procédera, dans le plus bref délai possible, à la réforme du système pénitentiaire des prisons et de tous autres lieux destinés à la détention préventive ou correctionnelle, afin de concilier les droits de l'humanité avec ceux de la justice.

XXI. En tout état de cause, et même dans les prisons, toute peine corporelle, à l'exception de ce qui est conforme aux règlements disciplinaires émanés de la Porte, et tout traitement qui ressemblerait aux tourments et à la torture sont radicalement supprimés et abolis.

XXII. Les actes de cruauté qui viendront à se produire, en contravention avec ce qui précède, seront blâmés et réprimés ; et, de plus, les agents qui les auront ordonnés et ceux qui les auront commis seront destitués et punis, aux termes du Code pénal.

XXIII. L'organisation de la police dans la capitale, dans les provinces et dans les campagnes, sera révisée dans une forme qui assure une protection énergique et réelle aux sujets paisibles de notre empire, quant à leur personne et à leurs biens.

XXIV. L'égalité des impôts entraînant l'égalité des autres charges, de même que celle des droits entraîne aussi celle des devoirs, les chrétiens et autres sujets non musulmans devront, comme les musulmans, se soumettre à la loi dernièrement promulguée sur la levée du contingent militaire.

XXV. Le principe de l'exemption personnelle du service militaire, soit par le remplacement, soit par le rachat, sera admis.

XXVI. Les règlements nécessaires sur le mode d'admission des sujets non musulmans dans les rangs de l'armée seront dressés et publiés dans le plus bref délai possible.

XXVII. On procédera à la réforme des règlements relatifs à la composition des conseils de préfecture et de sous-préfecture, afin d'assurer la sincérité du choix des membres musulmans, chrétiens et autres, et de garantir la libre manifestation des votes. La Porte avisera à l'emploi des moyens les plus efficaces pour être informée exactement du résultat des délibérations, ainsi que pour connaître et contrôler les décisions prises.

XXVIII. Comme les lois qui régissent l'achat, la vente et la possession des propriétés immobilières sont communes à tous les sujets ottomans, il est également permis aux étrangers de posséder des immeubles, en se conformant aux lois du pays et aux règlements de police locale, et en acquittant les mêmes droits que les indigènes, après, toutefois, les arrangements qui auront lieu entre mon gouvernement et les puissances étrangères.

XXIX. Les impôts, exigibles de tous nos sujets, seront perçus au même titre, sans distinction de classe ni de culte. On avisera

aux moyens les plus prompts de réformer les abus existants aujourd'hui dans la perception des impôts et notamment des dîmes. Le système de la perception directe de l'impôt sera successivement, et autant que possible, substitué au régime d'affermage des revenus de l'État. Tant que le système actuel demeurera en vigueur, il sera interdit, sous des peines sévères, aux agents de la Porte, ainsi qu'aux membres de *medjlis*, de se rendre adjudicataires des fermes, dont les enchères, d'ailleurs, seront faites publiquement, ou de prendre aucune part dans leur exploitation.

XXX. Les impositions locales seront, autant que possible, établies et fixées de manière à ne pas nuire aux productions territoriales, et à ne pas entraver le commerce intérieur.

XXXI. Aux allocations convenables, qui seront déterminées et affectées aux travaux d'utilité publique, viendront se joindre les impositions spéciales, qui seront prélevées sur les provinces appelées à jouir de l'établissement des voies de communication par terre et par eau.

XXXII. Un règlement spécial ayant été fait dernièrement sur la rédaction et la présentation du budget de l'État, on s'attachera à l'appliquer dans toute son exactitude.

XXXIII. On procédera à la juste révision des traitements affectés à chaque emploi.

XXXIV. Les chefs de communautés, assistés d'un délégué de chacune d'elles, désigné par nous, seront convoqués spécialement par notre grand vizir, pour prendre part aux délibérations du grand conseil, dans les circonstances qui intéresseront la généralité de nos sujets ; les délégués seront nommés pour une année ; ils prêteront serment à leur entrée en fonctions.

XXXV. Les membres du grand conseil, dans les réunions ordinaires ou extraordinaires, émettront librement leur avis et leur vote ; ils ne seront aucunement inquiétés à cet égard.

XXXVI. Les dispositions de la loi sur la corruption, la concussion et la malversation seront appliquées, d'après les formes légales, à tous nos sujets, à quelque classe qu'ils appartiennent, et quelles que soient leurs fonctions.

XXXVII. Il sera créé des banques et d'autres institutions du même genre, pour donner du crédit aux finances du pays et pour réformer le système monétaire ; on affectera les capitaux nécessaires aux objets qui constituent la source de la richesse matérielle de notre empire ; on s'appliquera enfin à donner de véritables facilités, en ouvrant les routes et les canaux nécessaires au transport des produits du sol, et en écartant tout ce qui opposerait au développement de l'agriculture et du commerce.

XXXVIII. Dans ce but, on devra s'attacher sans cesse à aviser scrupuleusement aux moyens de mettre à profit les sciences, les connaissances et les capitaux de l'Europe.

Vous ferez donc publier, noble vizir, cet auguste firman dans les formes usitées, tant à Constantinople que dans les provinces de l'empire; vous veillerez à l'exécution de sa teneur, et vous prendrez les mesures nécessaires pour que ces dispositions soient à jamais exécutées. Sachez-le ainsi; ayez confiance dans ce noble signe.

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(3)

Extracts from the Ottoman Constitution, promulgated on 23rd December, 1876[1].

ART. VIII. Tous les sujets de l'Empire sont indistinctement appelés ottomans, quelle que soit la religion qu'ils professent. La qualité d'ottoman s'acquiert et se perd suivant les cas spécifiés par la loi.

ART. XI. L'Islamisme est la religion de l'État. Tout en sauvegardant ce principe, l'État protège le libre exercice de tous les cultes reconnus dans l'Empire, et maintient les priviléges religieux accordés aux diverses communautés, à la condition qu'il ne soit pas porté atteinte à l'ordre public ou aux bonnes mœurs.

ART. XVII. Tous les ottomans sont égaux devant la loi. Ils ont les mêmes droits et les mêmes devoirs envers le pays, sans préjudice de ce qui concerne la religion.

ART. XVIII. L'admission aux fonctions publiques a pour condition la connaissance du Turc, qui est la langue officielle de l'État.

ART. XIX. Tous les ottomans sont admis aux fonctions publiques suivant leurs aptitudes, leur mérite et leur capacité.

II.

RUSSIA AND THE PORTE.

(1)

The Preliminary Treaty of Peace, signed at San Stefano, 17th March, 1878[2].

HIS Majesty the Emperor of Russia and His Majesty the Emperor of the Ottomans, inspired with the wish of restoring and

[1] Annuaire de l'Institut de Droit International, 1878, p. 296.

[2] Parl. Papers, 1878, Turkey, No. 22; N. R. G. 2me Série, iii, 246. The Clauses within brackets have been superseded by the Treaty of Berlin.

securing the blessings of peace to their countries and people, as well as of preventing any fresh complication which might imperil the same, have named as their Plenipotentiaries, with a view to draw up, conclude, and sign the Preliminaries of Peace:

His Majesty the Emperor of Russia on the one side, the Count Nicolas Ignatiew, &c., and Sieur Alexander Nelidow, &c.

And His Majesty the Emperor of the Ottomans on the other side, Safvet Pasha, &c., and Sadoullah Bey, &c.

Who, after having exchanged their full powers, which were found to be in good and proper form, have agreed to the following Articles:—

Montenegro. [ART. I. In order to put an end to the perpetual conflicts between Turkey and Montenegro, the frontier which separates the two countries will be rectified, conformably to the map hereto annexed, subject to the reserve hereinafter mentioned, in the following manner:—

From the mountain of Dobrostitza the frontier will follow the line indicated by the Conference of Constantinople as far as Korito by Bilek. Thence the new frontier will run to Gatzko (Metochia-Gatzko will belong to Montenegro), and towards the confluence of the Piva and the Tara, ascending towards the north by the Drina as far as its confluence with the Lim. The eastern frontier of the Principality will follow this last river as far as Prijepolje, and will proceed by Roshaj to Sukha-Planina (leaving Bihor and Roshaj to Montenegro). Taking in Bugovo, Plava, and Gusinje, the frontier line will follow the chain of mountains by Shlieb, Paklen, and along the northern frontier of Albania by the crests of the mountains Koprivnik, Babavik, Bor-vik, to the highest peak of Prokleti. From that point the frontier will proceed by the summit of Biskaschik, and will run in a straight line to the Lake of Tjiceni-hoti. Dividing Tjiceni-hoti and Tjiceni-kastrati, it will cross the Lake of Scutari to the Boyana, the thalweg of which it will follow as far as the sea. Nichsich, Gatzko, Spouje, Podgoritza, Jabliak, and Antivari will remain to Montenegro.

A European Commission, on which the Sublime Porte and the Government of Montenegro shall be represented, will be charged with fixing the definite limits of the Principality, making on the spot such modifications in the general tracing as it may think necessary and equitable, from the point of view of the respective interests and tranquillity of the two countries, to which it will accord in this respect the equivalents deemed necessary.

The navigation of the Boyana having always given rise to disputes between the Sublime Porte and Montenegro, will be the

subject of a special regulation, which will be prepared by the same European Commission.]

[ART. II. The Sublime Porte recognizes definitively the independence of the Principality of Montenegro.

An understanding between the Imperial Government of Russia, the Ottoman Government, and the Principality of Montenegro will determine subsequently the character and form of the relations between the Sublime Porte and the Principality as regards particularly the establishment of Montenegrin Agents at Constantinople, and in certain localities of the Ottoman Empire, where the necessity for such agents shall be recognized, the extradition of fugitive criminals on the one territory or the other, and the subjection of Montenegrins travelling or sojourning in the Ottoman Empire to the Ottoman laws and authorities, according to the principles of international law and the established usages concerning the Montenegrins.

A Convention will be concluded between the Sublime Porte and Montenegro to regulate the questions connected with the relations between the inhabitants of the confines of the two countries and with the military works on the same confines. The points upon which an understanding cannot be established will be settled by the arbitration of Russia and Austria-Hungary.

Henceforward, if there is any discussion or conflict, except as regards new territorial demands, Turkey and Montenegro will leave the settlement of their differences to Russia and Austria-Hungary, who will arbitrate in common.

The troops of Montenegro will be bound to evacuate the territory not comprised within the limits indicated above within ten days from the signature of the Preliminaries of Peace.]

[ART. III. Servia is recognized as independent. Its frontier, marked on the annexed map, will follow the thalweg of the Drina, leaving Little Zwornik and Zakar to the Principality, and following the old limit as far as the sources of the stream Dezevo, near Stoilac. Thence the new line will follow the course of that stream as far as the River Raska, and then the course of the latter as far as Novi-Bazar. Servia.

From Novi-Bazar, ascending the stream which passes near the villages of Mekinje and Irgoviste as far as its source, the frontier line will run by Bosur Planima, in the valley of the Ibar, and will then descend the stream which falls into this river near the village of Ribanic.

The line will then follow the course of the Rivers Ibar, Sitnitza and Lab, and of the brook Batintze to its source (upon the Gra-

pachnitza Planina). Thence the frontier will follow the heights which separate the waters of the Kriva and the Veternitza, and will meet the latter river by the shortest route at the mouth of the stream Miovatzka, which it will ascend, crossing the Miovatzka Planina and redescending towards the Morava, near the village of Kalimanci.

From this point the frontier will descend the Morava as far as the River Vlossina, near the village of Staïkovtzi. Reascending the latter river, as well as the Linberazda, and the brook Koukavitze, the line will pass by the Sukha Planina, will run along the stream Vrylo as far as the Nisawa, and will descend the said river as far as the village of Kronpatz, whence the line will rejoin by the shortest route the old Servian frontier to the south-east of Karaoul Baré, and will not leave it until it reaches the Danube.

Ada-Kale will be evacuated and razed.

A Turco-Servian Commission, assisted by a Russian Commissioner, will, within three months, arrange upon the spot, the definite frontier line, and will definitely settle the questions relating to the islands of the Drina. A Bulgarian delegate will be admitted to participate in the work of the Commission when it shall be engaged on the frontier between Servia and Bulgaria.]

[ART. IV. The Mussulmans holding lands in the territories annexed to Servia, and who wish to reside out of the Principality, can preserve their real property by having them farmed out or administered by others. A Turco-Servian Commission, assisted by a Russian Commissioner, will be charged to decide absolutely, in the course of two years, all questions relating to the verification of real estate in which Mussulman interests are concerned.

This Commission will also be called upon to settle within three years the method of alienation of State property and of religious endowments (*Vacouf*), as well as the questions relative to the interests of private persons which may be involved. Until a direct Treaty is concluded between Turkey and Servia determining the character of the relations between the Sublime Porte and the Principality, Servian subjects travelling or sojourning in the Ottoman Empire shall be treated according to the general principles of international law.

The Servian troops shall be bound to evacuate the territory not comprised within the above-mentioned limits within fifteen days from the signature of the Preliminaries of Peace.]

Roumania. [ART. V. The Sublime Porte recognizes the independence of Roumania, which will establish its right to an indemnity, to be discussed between the two countries.

Until the conclusion of a direct Treaty between Turkey and Roumania, Roumanian subjects will enjoy in Turkey all the rights guaranteed to the subjects of other European Powers.]

[ART. VI. Bulgaria is constituted an autonomous tributary Principality, with a Christian Government and a national militia. Bulgaria.

The definitive frontiers of the Bulgarian Principality will be traced by a special Russo-Turkish Commission before the evacuation of Roumelia by the Imperial Russian army.

This Commission will, in working out the modifications to be made on the spot in the general tracing, take into account the principle of the nationality of the majority of the inhabitants of the border districts, conformably to the Bases of Peace, and also the topographical necessities and practical interests of the intercommunication of the local population.

The extent of the Bulgarian Principality is laid down in general terms on the accompanying map, which will serve as a basis for the definitive fixing of the limits. Leaving the new frontier of the Servian Principality, the line will follow the western limit of the Caza of Wrania as far as the chain of the Kara-dagh. Turning towards the west, the line will follow the western limits of the Cazas of Koumanovo, Kotchani, Kalkandelen, to Mount Korab; thence by the River Welestchitza as far as its junction with the black Drina. Turning towards the south by the Drina, and afterwards by the western limit of the Caza of Ochride towards Mount Linas, the frontier will follow the western limits of the Cazas of Gortcha and Starovo as far as Mount Grammos. Then by the Lake of Kastoria, the frontier line will rejoin the River Moglenitza, and after having followed its course, and passed to the south of Yanitza (Wardar Yenidje), will go by the mouth of the Warder and by the Galliko towards the villages of Parga and of Saraï-keui; thence through the middle of Lake Bechik-Guel to the mouth of the Rivers Strouma and Karassou, and by the sea-coast as far as Buru-Guel; thence striking north-west towards Mount Tchaltepe by the chain of Rhodope as far as Mount Krouschowo, by the Black Balkans (Kara-Balkan), by the mountains Eschek-koulatchi, Tchepelion, Karakolas, and Tschiklar, as far as the River Arda.

Thence the line will be traced in the direction of the town of Tchirmen, and leaving the town of Adrianople to the south, by the villages of Sugutlion, Kara-Hamza, Arnaout-keui, Akardji, and Enidje as far as the River Tekederessi. Following the Rivers Tekederessi and Tchorlouderessi as far as Loule-Bourgaz, and thence, by the River Soudjak-dere as far as the village of Serguen,

the frontier line will go by the heights straight towards Hakimtabiassi, where it will strike the Black Sea. It will leave the sea-coast near Mangalia, following the southern boundaries of the Sandjak of Toultcha, and will come out on the Danube above Rassova.]

[ART. VII. The Prince of Bulgaria shall be freely elected by the population and confirmed by the Sublime Porte, with the assent of the Powers. No member of the reigning dynasties of the great European Powers shall be capable of being elected Prince of Bulgaria.

In the event of the dignity of Prince of Bulgaria being vacant, the election of the new Prince shall be made subject to the same conditions and forms.

Before the election of the Prince, an Assembly of Bulgarian Notables, to be convoked at Philippopolis (Plowdiw) or Tyrnowo, shall draw up, under the superintendence of an Imperial Russian Commissioner, and in the presence of an Ottoman Commissioner, the organization of the future administration, in conformity with the precedents established in 1830 after the Peace of Adrianople, in the Danubian Principalities.

In the localities where Bulgarians are mixed with Turks, Greeks, Wallachians (Koutzo-Vlachs), or others, proper account is to be taken of the rights and interests of these populations in the elections and in the preparation of the Organic Laws.

The introduction of the new system into Bulgaria, and the superintendence of its working, will be intrusted for two years to an Imperial Russian Commissioner. At the expiration of the first year after the introduction of the new system, and if an understanding on this subject has been established between Russia, the Sublime Porte, and the Cabinets of Europe, they can, if it is deemed necessary, associate Special Delegates with the Imperial Russian Commissioner.]

[ART. VIII. The Ottoman army will no longer remain in Bulgaria, and all the ancient fortresses will be razed at the expense of the local Government. The Sublime Porte will have the right to dispose, as it sees fit, of the war material and of the other property belonging to the Ottoman Government which may have been left in the Danubian fortresses already evacuated in accordance with the terms of the Armistice of the $\frac{19\text{th}}{31\text{st}}$ January, as well as of that in the strongholds of Schoumla and Varna.

Until the complete formation of a native militia sufficient to preserve order, security, and tranquillity, and the strength of which will be fixed later on by an understanding between the Ottoman

Government and the Imperial Russian Cabinet, Russian troops will occupy the country, and will give armed assistance to the Commissioner in case of need. This occupation will also be limited to a term approximating to two years.

The strength of the Russian army of occupation to be composed of six divisions of infantry and two of cavalry, which will remain in Bulgaria after the evacuation of Turkey by the Imperial army, shall not exceed 50,000 men. It will be maintained at the expense of the country occupied. The Russian troops of occupation in Bulgaria will maintain their communications with Russia, not only through Roumania, but also by the ports of the Black Sea, Varna, and Bourgas, where they may organize, for the term of the occupation, the necessary depôts.]

[ART. IX. The amount of the annual tribute which Bulgaria is to pay the Suzerain Court, by transmitting it to a bank to be hereafter named by the Sublime Porte, will be determined by an agreement between Russia, the Ottoman Government, and the other Cabinets, at the end of the first year during which the new organization shall be in operation. This tribute will be calculated on the average revenue of all the territory which is to form part of the Principality.

Bulgaria will take upon itself the obligations of the Imperial Ottoman Government towards the Rustchuk and Varna Railway Company, after an agreement has been come to between the Sublime Porte, the Government of the Principality, and the Directors of this Company. The regulations as to the other railways (*voies ferrées*) which cross the Principality are also reserved for an agreement between the Sublime Porte, the Government established in Bulgaria, and the Directors of the Companies concerned.]

[ART. X. The Sublime Porte shall have the right to make use of Bulgaria for the transport by fixed routes of its troops, munitions, and provisions to the provinces beyond the Principality, and *vice versâ*. In order to avoid difficulties and misunderstandings in the application of this right, while guaranteeing the military necessities of the Sublime Porte, a special regulation will lay down the conditions of it within three months after the ratification of the present Act by an understanding between the Sublime Porte and the Bulgarian Government.

It is fully understood that this right is limited to the regular Ottoman troops, and that the irregulars, the Bashi-Bazouks, and the Circassians will be absolutely excluded from it.

The Sublime Porte also reserves to itself the right of sending its

postal service through the Principality, and of maintaining telegraphic communication. These two points shall also be determined in the manner and within the period of time indicated above.]

[ART. XI. The Mussulman proprietors or others who fix their personal residence outside the Principality may retain their estates by having them farmed or administered by others. Turco-Bulgarian Commissions shall sit in the principal centres of population, under the superintendence of Russian Commissioners, to decide absolutely in the course of two years all questions relative to the verification of real property, in which either Mussulmans or others may be interested. Similar commissions will be charged with the duty of regulating within two years all questions relative to the mode of alienation, working, or use for the benefit of the Sublime Porte of the property of the State, and of the religious endowments (*Vacouf*).

At the expiration of the two years mentioned above all properties which shall not have been claimed shall be sold by public auction, and the proceeds thereof shall be devoted to the support of the widows and orphans, Mussulman as well as Christian, victims of the recent events[1].]

Danube. [ART. XII. All the Danubian fortresses shall be razed. There shall be no strongholds in future on the banks of this river, nor any men-of-war in the waters of the Principalities of Roumania, Servia, and Bulgaria, except the usual 'stationnaires' and the small vessels intended for river-police and Custom-house purposes.

The rights, obligations, and prerogatives of the International Commission of the Lower Danube are maintained intact.]

ART. XIII. The Sublime Porte undertakes to render the passage of Soulina again navigable, and to indemnify the private individuals who have suffered loss by the war and the interruption of the navigation of the Danube, applying for this double charge a sum of five hundred thousand francs from the amount due to the Sublime Porte from the Danubian Commission.

Bosnia and Herzegovina. [ART. XIV. The European proposals communicated to the Ottoman Plenipotentiaries at the first sitting of the Constantinople Conference shall immediately be introduced into Bosnia and Herzegovina, with any modifications which may be agreed upon in common between the Sublime Porte, the Government of Russia, and that of Austria-Hungary.

The payment of arrears of taxes shall not be required, and the current revenues of these provinces until the 1st March, 1880,

[1] See the 'final paragraph,' p. 348, infra.

shall be exclusively applied to indemnify the families of refugees and inhabitants, victims of recent events, without distinction of race or creed, as well as to the local needs of the country. The sum to be received annually after this period by the Central Government shall be subsequently fixed by a special understanding between Turkey, Russia, and Austria-Hungary.]

[ART. XV. The Sublime Porte engages to apply scrupulously in the Island of Crete the Organic Law of 1868, taking into account the previously-expressed wishes of the native population. Crete.

An analogous law adapted to local requirements shall likewise be introduced into Epirus, Thessaly, and the other parts of Turkey in Europe, for which a special constitution is not provided by the present Act. Epirus, &c.

Special Commissions, in which the native population will be largely represented, shall in each province be entrusted with the task of elaborating the details of the new organization, and the result of their labours shall be submitted to the Sublime Porte, who will consult the Imperial Government of Russia before carrying it into effect.]

[ART. XVI. As the evacuation by the Russian troops of the territory which they occupy in Armenia, and which is to be restored to Turkey, might give rise to conflicts and complications detrimental to the maintenance of good relations between the two countries, the Sublime Porte engages to carry into effect, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by Armenians, and to guarantee their security from Kurds and Circassians.] Armenia.

ART. XVII. A full and complete amnesty is granted by the Sublime Porte to all Ottoman subjects compromised by recent events, and all persons imprisoned on this account or sent into exile shall be immediately set at liberty. Amnesty.

[ART. XVIII. The Sublime Porte will take into serious consideration the opinion expressed by the Commissioners of the Mediating Powers as regards the possession of the town of Khotour, and engages to have the works of the definitive delimitation of the Turco-Persian Boundary carried into effect.] Persian boundary.

ART. XIX. The war indemnities and the losses imposed on Russia which His Majesty the Emperor of Russia claims, and which the Sublime Porte has bound itself to reimburse to him, consist of— Indemnity.

(*a.*) 900,000,000 roubles for war expenses (maintenance of the army, replacing of war material, and war contracts).

(*b.*) 400,000,000 roubles on account of damage done to the south

coast of Russia, to her export commerce, to her industries, and to her railways.

(*c.*) 100,000,000 roubles for injuries inflicted on the Caucasus by the invasion; and,

(*d.*) 10,000,000 roubles for costs and damages of Russian subjects and establishments in Turkey.

Total, 1,410,000,009 roubles.

Territorial Cessions.

Taking into consideration the financial embarrassments of Turkey, and in accordance with the wishes of His Majesty the Sultan, the Emperor of Russia consents to substitute for the payment of the greater part of the moneys enumerated in the above paragraph, the following territorial cessions:—

[(*a*.) The Sandjak of Toultcha, that is to say, the districts (Cazas) of Kilia, Soulina, Mahmoudié, Isaktcha, Toultcha, Matchine, Babadagh, Hirsowo, Kustendje, and Medjidie, as well as the Delta Islands and the Isle of Serpents.

Not wishing, however, to annex this territory and the Delta Islands, Russia reserves the right of exchanging them for the part of Bessarabia detached from her by the Treaty of 1856, and which is bounded on the south by the thalweg of the Kilia branch and the mouth of the Stary-Stamboul.

The question of the apportionment of waters and fisheries shall be determined by a Russo-Roumanian Commission within a year after the ratification of the Treaty of Peace.

(*b.*) Ardahan, Kars, Batoum, Bayazet, and the territory as far as the Saganlough.

In its general outline, the frontier line, leaving the Black Sea coast, will follow the crest of the mountains which separate the affluents of the River Hopa from those of the River Tcharokh, and the chain of mountains to the south of the town of Artwin up to the River Tcharokh, near the villages of Alat and Bechaget; then the frontier will pass by the peaks of Mounts Dervenikghek, Hortchezor, and Bedjiguin-Dagh, by the crest which separates the affluents of the Rivers Tortoum-tchaï and the Tcharokh by the heights near Zaily-Vihine, coming down at the village Vihine-Kilissa to the River Tortoum-chaï; thence it will follow the Sivridagh Chain to the pass (*col*) of the same name, passing south of the village of Noriman; then it will turn to the south-east and go to Zivine, whence the frontier, passing west of the road which leads from Zivine to the villages of Ardost and Horassan, will turn south by the Saganlough Chain to the village of Gilitchman; then by the crest of the Charian-Dagh it will arrive, ten versts south of Hamour, at the Mourad-tchai defile; then the line will follow the

erest of the Alla-Dagh and the summits of the Hori and Tandourek; and, passing south of the Bayazet Valley, will proceed to rejoin the old Turco-Persian frontier to the south of the lake of Kazli-gueul.]

The definitive limits of the territory annexed to Russia, [and indicated on the map hereto appended,] will be fixed by a Commission composed of Russian and Ottoman delegates.

This Commission in its labours will take into account the topography of localities, as well as considerations of good administration and other conditions calculated to insure the tranquillity of the country.

(*c.*) The territories [mentioned in paragraphs (*a*) and (*b*)] are ceded to Russia as an equivalent for the sum of one milliard and one hundred million roubles. As for the rest of the indemnity, apart from the 10,000,000 of roubles intended to indemnify Russian interests and establishments in Turkey—namely, 300,000,000 of roubles [1]—the mode of payment and guarantee of that sum shall be settled by an understanding between the Imperial Government of Russia and that of His Majesty the Sultan [2]. Balance of Indemnity.

(*d.*) The 10,000,000 roubles claimed as indemnity for the Russian subjects and establishments in Turkey shall be paid as soon as the claims of those interested are examined by the Russian Embassy at Constantinople and handed to the Sublime Porte [3].

ART. XX. The Sublime Porte will take effective steps to put an amicable end to the lawsuits of Russian subjects pending for several years, to indemnify the latter if need be, and to carry into effect without delay all judgments passed [4]. Lawsuits.

ART. XXI. The inhabitants of the districts ceded to Russia who wish to take up their residence out of these territories will be free to retire on selling all their real property. For this purpose an interval of three years is granted them, counting from the date of ratification of the present Act. Ceded districts.

On the expiration of that time those of the inhabitants who shall not have sold their real property and left the country shall remain Russian subjects.

Real property belonging to the State, or to religious establishments situated out of the localities aforesaid, shall be sold within the same interval of three years as shall be arranged by a special Russo-Turkish Commission. The same Commission shall be intrusted with determining how the Ottoman Government is to

[1] Cf. the definitive Treaty of Peace of 8th February, 1879, infra, p. 348.

[2] This was done by the Convention of 14th May, 1882, q. v. infra, p. 350.

[3] Cf. ibid. The sum is not to exceed 27,750,000 francs.

[4] Cf. Art. 9 of the definitive Treaty of Peace.

remove its war material, munitions, supplies, and other State property actually in the forts, towns, and localities ceded to Russia, and not at present occupied by Russian troops.

Pilgrims, &c.

[ART. XXII. Russian ecclesiastics, pilgrims, and monks travelling or sojourning in Turkey in Europe or in Asia shall enjoy the same rights, advantages, and privileges as the foreign ecclesiastics of any other nationality.

The right of official protection by the Imperial Embassy and Russian Consulates in Turkey is recognized, both as regards the persons above-mentioned, and their possessions, religious houses, charitable institutions, &c., in the Holy Places and elsewhere.

The monks of Mount Athos, of Russian origin, shall be maintained in all their possessions and former privileges, and shall continue to enjoy in the three convents belonging to them and in the adjoining buildings the same rights and privileges as are assured to the other religious establishments and convents of Mount Athos.]

Renewal of Treaties.

ART. XXIII. All the Treaties, Conventions, and agreements previously concluded between the two High Contracting Parties relative to commerce, jurisdiction, and the position of Russian subjects in Turkey, and which had been abrogated by the state of war, shall come into force again, with the exception of the clauses affected by the present Act. The two Governments will be placed again in the same relation to one another, with respect to all their engagements and commercial and other relations, as they were in before the declaration of war[1].

The Straits.

ART. XXIV. The Bosphorus and the Dardanelles shall remain open in time of war as in time of peace to the merchant-vessels of neutral States arriving from or bound to Russian ports. The Sublime Porte consequently engages never henceforth to establish at the ports of the Black Sea and the Sea of Azow, a fictitious blockade (*blocus fictif*), at variance with the spirit of the Declaration signed at Paris on the $\frac{4}{16}$th April, 1856.

Evacuation.

[ART. XXV. The complete evacuation of Turkey in Europe, with the exception of Bulgaria, by the Russian army will take place within three months after the conclusion of the definitive peace between His Majesty the Emperor of Russia and His Majesty the Sultan.

In order to save time, and to avoid the cost of the prolonged maintenance of the Russian troops in Turkey and Roumania, part of the Imperial army may proceed to the ports of the Black Sea and the Sea of Marmora, to be there shipped in vessels belonging to the Russian Government or chartered for the occasion.]

[1] Cf. Art. 10 of the definitive Treaty of Peace.

The evacuation of Turkey in Asia will be effected within the space of six months, dating from the conclusion of the definitive peace, and the Russian troops will be entitled to take ship at Trebizond in order to return by the Caucasus or the Crimea.

The operations of the evacuation will begin immediately after the exchange of ratifications.

Interim Jurisdiction.

ART. XXVI. As long as the Imperial Russian troops remain in the localities which, in conformity with the present Act, will be restored to the Sublime Porte, the administration and order of affairs will continue in the same state as has existed since the occupation. The Sublime Porte will not participate therein during all that time, nor until the entire departure of all the troops.

The Ottoman forces shall not enter the places to be restored to the Sublime Porte, and the Sublime Porte cannot begin to exercise its authority there until notice of each fortress and province having been evacuated by the Russian troops shall have been given by the Commander of these troops to the officer appointed for this purpose by the Sublime Porte.

Amnesty.

ART. XXVII. The Sublime Porte undertakes not to punish in any manner, or allow to be punished, those Ottoman subjects who may have been compromised by their relations with the Russian army during the war. In the event of any persons wishing to withdraw with their families when the Russian troops leave, the Ottoman authorities shall not oppose their departure [1].

Prisoners.

ART. XXVIII. Immediately upon the ratification of the Preliminaries of Peace, the prisoners of war shall be reciprocally restored under the care of special Commissioners appointed on both sides, who for this purpose shall go to Odessa and Sebastopol. The Ottoman Government will pay all the expenses of the maintenance of the prisoners that are returned to them, in eighteen equal instalments in the space of six years, in accordance with the accounts that will be drawn up by the above-mentioned Commissioners [2].

The exchange of prisoners between the Ottoman Government and the Governments of Roumania, Servia, and Montenegro will be made on the same basis, deducting, however, in the account, the number of prisoners restored by the Ottoman Government from the number of prisoners that will have to be restored to that Government.

Ratifications.

ART. XXIX. The present Act shall be ratified by their Imperial Majesties the Emperor of Russia and the Emperor of the Ottomans,

[1] Cf. Arts. 8 and 9 of the definitive Treaty of Peace.

[2] Cf. Art. 6 of the definitive Treaty of Peace.

and the ratifications shall be exchanged in fifteen days, or sooner if possible, at St. Petersburgh, where likewise an agreement shall be come to as to the place and the time at which the stipulations of the present Act shall be invested with all the solemn forms usually observed in Treaties of Peace. It is, however, well understood that the High Contracting Parties consider themselves as formally bound by the present Act from the moment of its ratification.

In witness whereof the respective Plenipotentiaries have appended their signatures and seals to the present Act.

Done at San Stefano, the $\frac{\text{nineteenth February}}{\text{third March}}$, one thousand eight hundred and seventy-eight.

Cte. N. IGNATIEW. SAFVET.
NELIDOW. SADOULLAH.

[Final paragraph of Article XI of the Act of the Preliminaries of Peace signed this day, $\frac{\text{February 19}}{\text{March 3}}$, 1878, which was omitted, and which should form an integral part of the said Article :—

The inhabitants of the Principality of Bulgaria when travelling or sojourning in the other parts of the Ottoman Empire shall be subject to the Ottoman laws and authorities.]

[The same signatures.]

San Stefano, $\frac{\text{February 19}}{\text{March 3}}$, 1878.

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(2)

The Definitive Treaty of Peace between Russia and the Porte, signed at Constantinople, on 8th February, 1879[1].

Au nom de Dieu tout-puissant.

S. M. L'Empereur de toutes les Russies et S. M. l'Empereur des Ottomans, désirant consacrer le rétablissement de la paix entre les deux Empires, et régler définitivement, par un traité, les clauses du traité préliminaire de San Stefano qui doivent faire l'objet d'une entente directe entre les deux États, ont nommé pour leurs plénipotentiaires : S. M. l'Empereur de toutes les Russies, d'une part, le Prince Alexis Lobanow-Rostovsky, &c. ; et S. M. l'Empereur des Ottomans, de l'autre, Al. Carathéodory Pacha, &c., et Ali Pacha, &c. ; Lesquels, après avoir échangé leurs pleins-pouvoirs, &c., sont tombés d'accord sur les articles suivants :

ART. I. Il y aura désormais paix et amitié entre les deux Empires.

ART. II. Les deux Puissances sont d'accord pour déclarer que les stipulations du Traité de Berlin, intervenu entre les sept Puis-

[1] N. R. G. 2me Série, iii, 468.

sances, ont remplacé les articles des préliminaires de paix de San Stéfano, qui ont été abrogés ou modifiés par le Congrès.

ART. III. Les stipulations du Traité de San Stéfano qui n'ont pas été abrogées ou modifiées par le Traité de Berlin sont réglées définitivement par les articles suivants du présent Traité.

ART. IV. Défalcation faite de la valeur des territoires cédés par la Turquie à la Russie en conformité du Traité de Berlin, l'indemnité de guerre reste fixée à la somme de huit cent deux millions cinq cent mille francs. Le mode de paiement de cette somme et la garantie à y affecter, sauf les déclarations contenues dans le Protocole 11 du Congrès de Berlin, relativement à la question territoriale et aux droits des créanciers, seront réglées par une entente entre le Gouvernement de Sa Majesté l'Empereur de toutes les Russies, et celui de Sa Majesté l'Empereur des Ottomans.

ART. V. Les réclamations des sujets et institutions Russes en Turquie, à titre d'indemnité pour les dommages subis pendant la guerre, seront payées à mesure qu'elles seront examinées par l'ambassade de Russie à Constantinople, et transmises à la Sublime Porte. La totalité de ces réclamations ne pourra en aucun cas dépasser le chiffre de vingt-six millions sept cent cinquante mille francs. Le terme d'une année après l'échange des ratifications est fixé comme date à partir de laquelle les réclamations pourront être présentées à la Sublime Porte, et celui de deux ans comme date après laquelle les réclamations ne seront plus admises.

ART. VI. Des commissaires spéciaux seront nommés par le Gouvernement Impérial de Russie, et la Sublime Porte afin d'établir les comptes des frais résultant de l'entretien des prisonniers de guerre Ottomans. Ces comptes seront arrêtés à la date de la signature du Traité de Berlin. On déduira les frais effectués par le Gouvernement Ottoman pour l'entretien des prisonniers Russes, et la somme qui en résultera, une fois établie, sera payée par la Sublime Porte en vingt-et-un termes égaux, dans l'espace de sept années.

ART. VII. Les habitants des localités cédées à la Russie qui voudraient fixer leur résidence hors de ces territoires seront libres de se retirer, en vendant leurs propriétés immobilières. Un délai de trois ans leur sera accordé à cet effet à partir de la ratification du présent acte. Passé ce délai, les habitants qui n'auraient pas quitté le pays et vendu leurs immeubles resteront sujets Russes.

ART. VIII. Les deux parties prennent mutuellement l'engagement de ne sévir ni de laisser sévir d'aucune manière contre les sujets Russes ou Ottomans qui auraient été compromis par leurs relations avec les armées des deux Empires pendant la guerre.

Dans le cas où quelques personnes voudraient se retirer avec leurs familles à la suite des troupes Russes, les autorités Ottomanes ne s'opposeront pas à leur départ.

ART. IX. Une amnistie pleine et entière est assurée à tous les sujets Ottomans compromis dans les derniers évènements des provinces de la Turquie d'Europe, et toutes les personnes détenues de ce fait, envoyées en exil, ou éloignées de leur pays, retourneront immédiatement en jouissance de leur liberté.

ART. X. Tous les traités convenus et engagements conclus entre les deux hautes parties contractantes relativement au commerce, à la juridiction et à la position des sujets Russes en Turquie et qui avaient été supprimés par l'état de guerre, seront remis en vigueur, et les deux gouvernements seront replacés l'un vis à l'autre pour leurs engagements et rapports commerciaux et autres dans la même situation où ils se trouvaient avant la déclaration de la guerre, le tout sauf les clauses auxquelles il serait dérogé par le présent article ou en vertu du Traité de Berlin.

ART. XI. La Sublime Porte prendra des mesures efficaces pour terminer à l'amiable toutes les affaires litigieuses des sujets Russes pendantes depuis plusieurs années, dédommager ces derniers s'il y a lieu, et faire exécuter sans délai les sentences rendues.

ART. XII. Le présent acte sera ratifié et les ratifications en seront échangées à St. Pétersbourg, dans l'espace de deux semaines ou plus tôt si faire se peut. En foi de quoi, &c.

LOBANOW. AL. CARATHÉODORY. ALI.

Fait à Constantinople le 27 Janvier (8 Février), 1879.

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(3)

Convention respecting the War Indemnity between Russia and the Porte, signed at Constantinople 14th May, 1882[1].

S. M. l'Empereur de toutes les Russies et S. M. l'Empereur des Ottomans, désirant, en exécution de l'article IV du traité signé entre la Russie et la Turquie le 27 janvier (8 février) 1879, régler définitivement, par une convention, le mode de paiement de l'indemnité de guerre russe et la garantie à y affecter, ont nommé pour leurs plénipotentiaires :

S. M. l'Empereur de toutes les Russies d'une part, le sieur Eugène Novicow, &c., et le sieur Théodore de Thœrner, &c.

[1] N. R. G. 2me Série, viii, 218. The Convention was ratified on 30th June, 1882. It had been agreed in Prot. 11 of the Congress of Berlin that the payment of the indemnity should not prejudice the prior creditors of the Porte.

et S. M. l'Empereur des Ottomans de l'autre, Mehmed-Assim-Pacha, &c., et Mahmoud-Server-Pacha, &c.

lesquels, après s'être communiqué leurs pouvoirs, sont tombés d'accord sur les articles suivants :

ART. I. La somme de huit cent deux millions cinq cent mille francs, qui aux termes de l'article IV dudit traité constitue le montant de l'indemnité de guerre russe, sera payée par le gouvernement ottoman au moyen de versements annuels de trois cent cinquante mille livres turques. Il est convenu que cette somme de 350,000 livres turques sera affectée en entier à l'amortissement du capital de l'indemnité de guerre. Accédant au désir du gouvernement ottoman, le gouvernement russe consent à ne pas réclamer en même temps d'intérêt sur ledit capital.

ART. II. Le gouvernement ottoman déclare que l'annuité stipulée de 350,000 livres turques sera prélevée spécialement sur la dîme et la taxe des moutons.

ART. III. Les dîmes et la taxe des moutons affectées au paiement de l'indemnité de guerre, devront être assignées sur les vilayets et moutessarifliks dans lesquels la Banque impériale ottomane possède des succursales ou des agents.

ART. IV. Les sommes ainsi assignées au paiement de l'indemnité de guerre dans chaque vilayet ou moutessariflik devront être 25 o/o inférieures à la totalité du rendement desdites taxes dans lesdites localités.

ART. V. La totalité du rendement net desdites taxes dans les vilayets et moutessarifliks en question, c'est-à-dire la somme qui restera après déduction des frais de perception des taxes mêmes, sera versée directement et en entier par l'autorité locale chargée de cette perception dans lesdits vilayets et moutessarifliks, aux caisses de la Banque impériale ottomane, ou à l'agent de ladite Banque, en vertu d'un ordre spécial et permanent sanctionné par iradé impérial.

Cependant, si les revenus des taxes des moutons et des dîmes, affectés à l'indemnité de guerre, venaient à fournir un excédant supérieur au 25 o/o accordé, dans ce cas la Banque impériale ottomane sera tenue d'abandonner au ministère des finances des cazas, dont le revenu des taxes des moutons et des dîmes doit égaler l'excédant eventuel susindiqué.

Par contre, si ces mêmes revenus subissaient une diminution assez forte pour que l'excédant de 25 o/o ne puisse pas être réalisé, alors le ministre des finances ottomans s'engage à assigner à la Banque impériale ottomane de nouveaux cazas dont les revenus

des taxes des dîmes et des moutons suffisent pour parfaire le déficit en question.

ART. VI. La Banque impériale ottomane sera tenue de faire, avec la Banque impériale de Russie, un arrangement spécial pour les opérations de la Banque ottomane à Constantinople, concernant le paiement de l'indemnité de guerre.

ART. VII. La direction de la Banque impériale ottomane sera obligée, dès la signature de la convention, à retenir tout d'abord, au fur et à mesure des rentrées des taxes des moutons et des dîmes, la somme assignée pour l'indemnité de guerre russe et tiendra immédiatement à la disposition de l'administration locale tout surplus de chaque vilayet, après que la part qui en revient au paiement de l'indemnité de guerre aura été prélevée et mise de côté pour le compte de la Banque impériale de Russie.

ART. VIII. Le gouvernement impérial ottoman s'engage à interdire à son ministère des finances, ainsi qu'à l'administration du vilayet ou du moutessariflik, d'émettre des havalés, chèques et autres ordres de paiement sur les taxes des moutons et sur les dîmes ainsi assignées dans les localités indiquées.

ART. IX. Par suite de l'arrangement intervenu, la partie de la taxe des moutons et des dîmes assignée au paiement de l'indemnité russe ne figurera au budget ottoman qu'à titre d'entrée et sortie (*irad masraf*).

ART. X. En conséquence des articles III. et IV. de la présente convention, il sera assigné au paiement des annuités stipulées les revenus sous-indiqués des vilayets d'Alep, de Konieh, de Castamouni, d'Adana et de Sivas,—revenus dont les frais de perception ont déjà été déduits :

	Revenus nets : Taxe des moutons liv. turq.	Dîmes liv. turq.	Total. liv. turq.
Alep	40,000	—	40,000
Konieh	—	138,000	138,000
Castamouni	—	110,000	110,000
Adana	—	70,000	70,000
Sivas :			
sandjak de Sivas	55,000		
sandjak de Tokad	20,000		
sandjak de Kara hissar-Charki		79,500	79,500
caza de Karahissar 4,500	4,500		
caza de Sou-Chehri			
	40,000	397,500	437,500

(*Quatre cent trente-sept mille cinq cents l. t.*)

Sur ce total 350,000 livres turques représentent le montant de l'annuité et le reste sert de garantie supplémentaire de 25 o/o aux termes des articles V. et VIII. de la présente convention.

ART. XI. Le gouvernement impérial ottoman conserve le droit de substituer, en cas de nécessité, aux localités désignées, d'autres localités, après une entente préalable avec la Banque impériale ottomane sur les sécurités de rentrée qui doivent être les mêmes. Avis officiel en sera immédiatement donné au gouvernement impérial de Russie.

ART. XII. Le présent acte sera ratifié et les ratifications en seront échangées à St.-Pétersbourg, dans l'espace de deux semaines ou plus tôt, si faire se peut.

En foi de quoi les plénipotentiaires de Russie et de Turquie y ont apposé leurs signatures et le sceau de leurs armes.

Fait à Constantinople, le 2 (14) mai 1882.

NOVICOW.	M. ASSIM.
THOERNER.	SERVER.

*** NOTE.—Turkey having in July 1876 wholly suspended payment of the interest on her debt, the Plenipotentiaries of Austria, Germany, France, Great Britain, Italy, and Russia at the Congress of Berlin agreed to the following declaration, which was accordingly inserted in the 18th Protocol of the Congress:—

'The Powers represented at the Congress desire to recommend to the Sublime Porte the establishment of a Financial Commission, composed of specialists named by their respective governments, which Commission shall be charged to examine into the complaints of the bondholders of the Ottoman debt, and to propose the most efficacious means for satisfying them as far as is compatible with the financial situation of the Porte.'

In order to avoid the interference of such a Commission, the Porte in October, 1880, invited a meeting of representatives of the foreign bondholders, and announced to the Powers its intention of including in one arrangement the settlement of the foreign debt, the floating debt, and the war indemnity due to Russia. These questions were, however, ultimately kept separate, and an agreement was made with the bondholders on 18th November, confirmed by an Iradé dated 20th December, 1881[1].

Under this arrangement the foreign debt is reduced to £106,437,234, secured upon the excise and other revenues, subject to a first charge in favour of the Galata Bankers, whose loans are consolidated into a Privileged debt of £8,170,000, and the receipt of the assigned revenues is entrusted to an Administrative Council of Bondholders. The arrangement has, it seems, worked well; and the expenditure of the Empire has recently, though only by non-payment of salaries, been kept within its income.

[1] Parl. Papers, 1882, Turkey, No. 2, p. 73.

III.

Great Britain and the Porte.

(1)

Convention of Defensive Alliance between Great Britain and Turkey, signed June 4, 1878 [1].

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Imperial Majesty the Sultan, being mutually animated with the sincere desire of extending and strengthening the relations of friendship happily existing between their two Empires, have resolved upon the conclusion of a Convention of defensive alliance with the object of securing for the future the territories in Asia of His Imperial Majesty the Sultan.

Their Majesties have accordingly chosen and named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Austen Henry Layard, Her Majesty's Ambassador Extraordinary and Minister Plenipotentiary at the Sublime Porte;

And His Imperial Majesty the Sultan, his Excellency Safvet Pasha, Minister for Foreign Affairs of His Imperial Majesty;

Who, after having exchanged their full powers, found in due and good form, have agreed upon the following Articles:—

Art. I. If Batoum, Ardahan, Kars, or any of them shall be retained by Russia, and if any attempt shall be made at any future time by Russia to take possession of any further territories of His Imperial Majesty the Sultan in Asia, as fixed by the Definitive Treaty of Peace, England engages to join His Imperial Majesty the Sultan in defending them by force of arms.

In return, His Imperial Majesty the Sultan promises to England to introduce necessary reforms, to be agreed upon later between the two Powers, into the government, and for the protection, of the Christian and other subjects of the Porte in these territories; and in order to enable England to make necessary provision for executing her engagement, His Imperial Majesty the Sultan further consents to assign the Island of Cyprus to be occupied and administered by England.

Art. II. The present Convention shall be ratified, and the ratifications thereof shall be exchanged, within the space of one month, or sooner if possible.

[1] Parl. Papers, 1878, Turkey, No. 36; N. R. G., 2me Série, iii. 272.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Constantinople, the fourth day of June, in the year one thousand eight hundred and seventy-eight.

A. H. LAYARD. SAFVET.

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(2)

Annexe to the Convention of Defensive Alliance between Great Britain and Turkey signed June 4, 1878, signed July 1, 1878.

The Right Honourable Sir A. H. Layard, G.C.B., and his Highness Safvet Pasha, now the grand Vizier of His Majesty the Sultan, have agreed to the following Annexe to the Convention signed by them as Plenipotentiaries of their respective Governments on the 4th June, 1878:—

It is understood between the two High Contracting Parties that England agrees to the following conditions relating to her occupation and administration of the Island of Cyprus:—

I. That a Mussulman religious Tribunal (Mehkéméi Shéri) shall continue to exist in the island, which will take exclusive cognizance of religious matters, and of no others, concerning the Mussulman population of the island.

II. That a Mussulman resident in the Island shall be named by the Board of Pious Foundations in Turkey (Evkraf) to superintend, in conjunction with a Delegate to be appointed by the British Authorities, the administration of the property, funds, and lands belonging to mosques, cemeteries, Mussulman schools, and other religious establishments existing in Cyprus.

III. That England will pay to the Porte whatever is the present excess of revenue over expenditure in the island; this excess to be calculated upon and determined by the average of the last five years, stated to be 22,936 purses, to be duly verified hereafter, and to the exclusion of the produce of State and Crown lands let or sold during that period.

IV. That the Sublime Porte may freely sell and lease lands and other property in Cyprus belonging to the Ottoman Crown and State (Arazii Miriyé vé Emlaki Houmayoun) the produce of which does not form part of the revenue of the island referred to in Article III.

V. That the English Government, through their competent authorities, may purchase compulsorily, at a fair price, land required for public improvements, or for other public purposes, and land which is not cultivated.

VI. That if Russia restores to Turkey Kars and the other conquests made by her in Armenia during the last war, the Island of Cyprus will be evacuated by England, and the Convention of the 4th of June, 1878, will be at an end.

Done at Constantinople, the 1st day of July, 1878.

A. H. LAYARD. SAFVET.

IV.

AUSTRIA-HUNGARY AND THE PORTE.

Convention, followed by an Annexe, signed at Constantinople, with reference to the occupation of Bosnia and Herzegovina, 21st April, 1879 [1].

LES Gouvernements d'Autriche-Hongrie et de Turquie s'étant réservé de s'entendre sur les détails de l'occupation stipulée par l'article XXV du Traité de Berlin, et le fait de l'occupation de la Bosnie et de l'Herzégovine ne portant pas atteinte aux droits de Souveraineté de Sa Majesté Impériale le Sultan sur ces provinces, les deux Gouvernements ont nommé pour leurs Plénipotentiaires :

L'Autriche-Hongrie, d'une part, Son Excellence M. le Comte F. Zichy, &c.

et la Turquie, de l'autre, Son Excellence Al. Carathéodory Pacha, &c., et Son Excellence Munif Efendi, &c.

lesquels, après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants :

ART. I. L'administration de la Bosnie et de l'Herzégovine sera exercée conformément à l'article XXV du Traité de Berlin par l'Autriche-Hongrie ; toutefois, le Gouvernement austro-hongrois n'objecte pas à conserver tous ceux des fonctionnaires actuels qui posséderaient les aptitudes nécessaires pour la bonne administration de leur emploi. En cas de remplacement, le choix du Gouvernement austro-hongrois porterait de préférence sur les personnes originaires de ces provinces.

ART. II. La liberté et la pratique extérieure de tous les cultes existants seront assurées aux personnes habitant ou séjournant en Bosnie et en Herzégovine. Notamment pleine liberté est assurée aux musulmans dans leurs rapports avec leurs chefs spirituels. Les Commandants des troupes de Sa Majesté l'Empereur et Roi et les autorités administratives continueront à veiller avec le plus grand soin à ce qu'il ne soit porté aucune atteinte à l'honneur, aux mœurs, à la liberté du culte, à la sécurité des personnes et des propriétés des musulmans.

[1] N. R. G. 2me Série, iv, 422.

Toute agression contre des musulmans, leurs biens ou leur religion sera sévèrement punie.

Le nom de Sa Majesté le Sultan continuera à être prononcé dans les prières publiques des musulmans comme par le passé. En tant qu'il serait d'usage de hisser le drapeau ottoman sur les minarets, cet usage sera respecté.

ART. III. Les revenus de la Bosnie et de l'Herzégovine seront affectés exclusivement à leurs besoins, leur administration et les améliorations jugées nécessaires.

ART. IV. Les monnaies ottomanes effectives continueront à avoir libre cours en Bosnie et en Herzégovine.

ART. V. La Sublime Porte disposera à sa guise des armes, du matériel de guerre et autres objets appartenant au Gouvernement ottoman et qui se trouvaient dans les places fortes ou dans les garnisons.

À cet effet, il sera dressé des inventaires avec l'intervention de Commissaires des deux Gouvernements.

ART. VI. La question du traitement des habitants de la Bosnie et de l'Herzégovine séjournant ou voyageant hors de ces provinces sera réglée ultérieurement par un arrangement spécial.

ART. VII. Pour atteindre dans un intérêt commun le but politique et militaire que l'article XXV du Traité de Berlin concernant le sandjak de Novi-Bazar a en vue, les deux Gouvernements ont résolu de régler dès à présent les modalités dans lesquelles il sera procédé à son exécution.

À cet effet, le Gouvernement de Sa Majesté l'Empereur et Roi s'engage à donner avis préalable au Gouvernement de Sa Majesté le Sultan de l'époque où l'entrée des troupes Impériales et Royales devra s'effectuer.

Afin de prévenir tout délai inutile, les deux Gouvernments s'engagent dès aujourd'hui, chacun en ce qui le concerne, à munir, le cas échéant, sans retard, leurs Autorités et Commandants respectifs des pleins pouvoirs nécessaires pour régler directement entre eux les questions se rattachant à la subsistance des troupes Impériales et Royales ainsi qu'à leur installation et autres détails y relatifs.

Il est d'ailleurs entendu que tous les frais occasionnés de ce chef resteront à la charge du Gouvernement d'Autriche-Hongrie.

ART. VIII. La présence des troupes de Sa Majesté l'Empereur et Roi dans le sandjak de Novi-Bazar ne portera aucune entrave au fonctionnement des autorités administratives, judiciaires ou financières ottomanes de tout ordre, qui continuera à s'exercer comme par le passé sous les ordres exclusifs et directs de la Sublime Porte.

ART. IX. Si la Sublime Porte désire maintenir des troupes régulières même sur les points du sandjak de Novi-Bazar où les troupes

austro-hongroises tiendront garnison, aucun obstacle n'y sera apporté.

Les troupes des deux États seront placées sur un pied de parfaite égalité en ce qui concerne leur nombre, les avantages militaires et la liberté de leurs mouvements.

Dans toute l'étendue du sandjak de Novi-Bazar, la Sublime Porte s'engage à ne pas maintenir de troupes irrégulières.

ART. X. Il est entendu toutefois que la faculté pour l'Autriche-Hongrie d'entretenir sur les endroits où les troupes doivent tenir garnison, conformément aux dispositions de l'article VII, des troupes en nombre suffisant, selon le besoin des circonstances, ne doit pas être restreinte par ces dispositions.

En foi de quoi les Plénipotentiaires d'Autriche-Hongrie et de Turquie ont signé la présente Convention et y ont apposé le sceau de leurs armes.

Fait à Constantinople, le vingt et un avril mil huit cent soixante-dix-neuf.

ZICHY. AL. CARATHÉODORY. MUNIF.

Annexe à la Convention.

Il est entendu que dans les circonstances actuelles, le Gouvernement d'Autriche-Hongrie, tout en se réservant tous ses droits découlant de l'article XXV du Traité de Berlin, n'a l'intention de placer des garnisons que sur trois points situés sur le Lim entre les frontières de la Serbie et du Monténégro. Ces points seraient Priboï, Priépoliyé et Biélopoliyé. Le nombre des troupes destinées actuellement au service de ces garnisons ne dépassera pas le chiffre de quatre à cinq mille hommes. Si, par suite des circonstances, la nécessité se présentait de placer des garnisons sur d'autres points, il sera procédé de part et d'autre dans les sens des dispositions de l'article VII, sauf si le Gouvernement autrichien avait l'intention de placer des troupes sur des points du Balkan de Ragosna, auquel cas il y aura lieu de s'entendre directement avec la Sublime Porte.

Constantinople, le vingt et un avril mil huit cent soixante-dix-neuf.

ZICHY. AL. CARATHÉODORY. MUNIF.

ADDITIONAL NOTE.[1]

Declaration handed in by the Turkish Ambassador, on 30th March, 1885, after signing the Declaration of the 17th and the Convention of the 18th of that month[2].

1. It is understood that an Ottoman official, nominated by the Sublime Porte, will have a seat on the Commission of the Treasury of the Egyptian Debt as representative of the Sovereign Power, in order that he may be kept informed of the state of the finances of Egypt[3].

2. The Sublime Porte maintains its reservations respecting Lord Granville's despatch of the 3rd of January, 1883, and understands that an insertion will be made in the Conventional Act of the International Commission assembled in Paris for the settlement of the Suez Canal, to the effect that the Government of His Imperial Majesty the Sultan shall have full right to take the necessary measures for the defence of Egypt, whether against a belligerent State, or in Egypt itself in case of internal disorders.

Supplementary declaration forwarded by the Ambassador to the Foreign Office on the 2nd April, 1885.

1. The service of the new loan, as well as that of the Preference and Unified Debts of Egypt, as specified, shall not in any manner delay the payment of the tribute.

2. The mention of the Tribunals of the Reform in the Declaration does not involve the indefinite prolongation of those tribunals.

3. The Government of His Imperial Majesty the Sultan reserves its judgment in the event of the institution of the Commission of Inquiry, provided for in the XIIth Article of the Khedivial Decree[4]; and

4. The eventual nomination of the members of the Commission and of the Revising Committees by the Consul cannot be regarded as a foreign interference.

[1] Parl. Papers, 1885, Egypt, No. 11.

[2] Q. v. supra, pp. 194, 196.

[3] Cf. supra, p. 109 *n.*

[4] Supra, p. 201.

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